

# **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 1 June 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle (up to and including Item 5(2)(iii)), 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, J Scott, L MacLean, L Reid and G Bissett (all Communities); C Elliott, L Brown, A Brown, M Pasternak and C Wright (all Corporate and Democratic Services).

Apologies: Councillor T McEwan.

Councillor R McCall, 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 5 May 2021 was submitted and approved as a correct record.

## **4. DEPUTATIONS**

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

<b>Planning Application No.</b>	<b>Item No.</b>
20/00667/IPM	5(1)(i)
20/00805/FLL	5(2)(i)
21/00224/FLL	5(2)(iv)

## **5. APPLICATIONS FOR DETERMINATION**

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

- (i) 20/00667/IPM Mixed use development comprising residential, business, general industry, storage & distribution, shops, financial, professional and other services, food and drink, hotels, non-residential institutions, bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre,**

**formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle), Perth West (MU70), Old Gallows Road, Perth – Report 21/71 – The John Dewar Lamberkin Trust**

Mr J Scott introduced the report and provided the following update, also circulated to members prior to the meeting:

*The justification advises that the proposal is in accordance with the Development Plan. This is incorrect and instead, the justification should be substituted to read:*

*“There are material considerations that result in a recommendation to depart from the approved Development Plan.”*

Mr A Dewar, on behalf of the John Dewar Lamberkin Trust, applicant, address the Committee via audio conference and answered members questions.

Motion (Councillor R McCall and I James)

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

#### **DIRECTION**

**Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (20/00667/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.**

**Reason:** This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

#### **CONDITIONS**

##### **General AMSC**

1. The Permission hereby approved shall be limited to:
  - residential development of a maximum of 1,500 dwellings;
  - commercial development of 26 hectares comprising: business (class 4); general industry (class 5); storage and distribution (class 6); shops (class 1); financial; professional and other services (class 2); food and drink (class 3); hotels (class 7); and non-residential institutions (class 10); and
  - Infrastructure development comprising: bus depot; car parking; Perth Innovation Highway; hydrogen

**fuelling/charging centre; formation of road junction; underpass and road network; road alterations; footways; cycleways; greenspace; landscaping; and associated works.**

**No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters are:**

- (i) a detailed updated phasing and delivery plan (incorporating commercial, residential, transport infrastructure, drainage infrastructure and open space) which shall specify that commercial uses are delivered in the first zones within Phase 1 and for the delivery of Phases 1-3 to accord with the Transport Assessment (Ref: 20/00667/15);**
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of each development phase, relative to existing ground levels and a fixed datum point.**
- (iii) the siting, design, height, and external materials of all buildings or structures;**
- (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design, and specification (including the disposal of surface water) and related structures throughout the development;**
- (v) details of any screen walls/fencing including any retaining walls to be provided.**
- (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;**
- (vii) details of any landscaping, structure planting, boundary treatments and screening associated with the development;**
- (viii) full details of the proposed means of disposal of foul and surface water from the development;**
- (ix) noise impact assessment**
- (x) lighting details;**

- (xi) bin storage, collection location, recycling facilities provision and access;
- (xii) biodiversity action plan
- (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
- (xiv) archaeological working scheme of investigation;
- (xv) updated Transport Assessment;
- (xvi) updated Flood Risk Assessment
- (xvii) updated Drainage Impact Assessment including SUDs Design Principles
- (xviii) updated Battlefield Conservation Plan.
- (xix) updated landscape and visual impact assessment.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The submitted Masterplan (Ref: 20/00667/15) and Development Parameters Plan and Schedule of Uses and Floorspace (Ref: 20/00667/5) is purely indicative only and are not approved.

Reason: The application is for planning permission in principle only at this stage.

### **Roads**

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. The development of the application site, shall be reviewed by 2035 or when there has been 1,001 housing units or 20 hectares of employment land developed, whichever comes first, to reassess the impact on the road network and the amount of modal shift. The applicant shall refer to LDP2 Main Issue Report or page 52/189 of the *Perth West: Transport Assessment Ref: GB01T20A18.2PROJ.10964013 (SYSTRA, 22/05/20)* for details of the "Pause and Review". No development shall take place until the review has been undertaken, submitted, and agreed in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

5. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed multi-storey car park shall be submitted for the approval of the Council as Planning Authority.

For the avoidance of doubt the multi-storey car park must occur before the implementation of any parking restrictions on Lamberkine Drive or Tweed Place and

continue to be available for the vehicles displaced as result of the restrictions. The number of parking spaces to be made available for displaced vehicles shall be agreed with the Council as Planning Authority before the first AMSC application.

Reason: In the interests of road safety.

6. As part of any Approval of Matters Specified by Condition (AMSC) application, all external lighting and streetlighting details submitted under Conditions 1 (iv) and/or (x) shall be designed to 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 minimising light pollution, protecting amenity and road safety.

7. As part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed design for the signalisation identified for the A93/Lamberkine Drive shall be provided and including the upgrade of the zebra crossing on Lamberkine Drive to a controlled crossing, to reduce the impact of queueing from the development. A detailed design shall be undertaken, along with a date for their implementation by the developer shall be agreed in writing by the Council as Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved scheme.

Reason: In the interests of road safety.

8. As part of the first Approval of Matters Specified by Condition (AMSC) application, a scheme for mitigation measures for the core path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands, where it crosses Lamberkine Drive, shall be submitted to and approved in writing by the Council as Planning Authority. This scheme shall include a detailed design that facilitates the safe crossing of pedestrians and cyclists and must also specify date for its implementation by the developer. The scheme as approved shall be implemented prior to the occupation of the 100<sup>th</sup> dwellinghouse.

Reason: In the interests of road safety.

9. As part of any application for the Approval of Matters Specified by Condition (AMSC), the phasing of the project as part of any approval under Condition 1(i) of this permission, will be such that the upgraded A9(T) Tibbermore grade-separated junction shall be operational by the completion of the 1,001<sup>st</sup> housing unit on the site.

**Reason: In the interests of road safety.**

- 10. 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 this 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 mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.**

- 11. Prior to the commencement of any works on site, a scheme for the delivery of the proposed Broxden Underpass shall be submitted to and approved in writing by the Planning Authority, in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.**

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

- 12. Prior to the commencement of any works on site, a scheme for the delivery of a signal controlled A93 / Lamberkine Drive junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.**

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

- 13. Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore grade-separated junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.**

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

- 14. Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore Link Road shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.**

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

- 15. Prior to the commencement of any works on site, a scheme for the delivery of the proposed temporary emergency access from the A9 at East Lamberkine Farm shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales. The temporary access shall be closed once the A9 Tibbermore grade-separated junction becomes operational.**  
**Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.**
- 16. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.**  
**Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.**
- 17. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:**
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;**
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;**
  - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;**
  - d) arrangements for liaison with the Roads Authority regarding winter maintenance;**
  - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;**
  - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;**
  - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;**

- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

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

Reason: In the interests of road safety.

- 18. All vehicles transporting construction material to and from the proposed development shall be sheeted.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 19. Prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 20. Prior to the occupation of any part of the phased development, a comprehensive Residential Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 21. Prior to the occupation of any part of the phased development, a comprehensive Commercial Travel Plan that sets out proposals for reducing dependency on the



private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

22. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. A strategy shall be included in the GTP for monitoring, reporting, and updating the plan as necessary. The GTP will have particular regard to provision for:

- a) walking and cycling;
- b) public transport access to and within the site;
- c) provision of electric vehicle (EV) charging points within all residential, commercial and community use development parcels;
- d) identify measures to be provided (including the provision of new and/or enhanced public transport services);
- e) any phasing, the system of management, monitoring, review, reporting and the duration of the Plan.

The GTP as agreed shall be fully implemented by the applicant.

Reason: In the interests of sustainable transport.

23. Prior to the commencement of any phased development, a Development Phasing Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that establishes what level of development mitigation interventions will be required.
- Reason: To minimise any interference with the safety and free flow of traffic on the trunk road network.

24. Prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that considers the various public transport improvements cited in the Transport Assessment.

Reason: To ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network.

25. A barrier of a type approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

26. Prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

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

27. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

28. The proposed development shall be limited to the scale assessed within the Transport Assessment (Ref: 20/00667/15).

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.

#### Residential Amenity

29. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works outwith these times or at any time on Sundays or bank holidays (as identified by the Scottish Government).

Reason: To ensure a satisfactory standard of local environmental quality.

30. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the written agreement of the Council as Planning Authority in consultation with NatureScot, Scottish Environment Protection Agency (SEPA) and Environmental Health. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed

**pollution avoidance and mitigation measures for all construction elements. The CEMP shall include noise & vibration and Dust assessments; to assess the impacts from construction operations. The CEMP shall also include procedures, limit values and mitigation measures to control noise and vibration and a detailed quantitative dust assessment shall be undertaken. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.**

**Reason: In the interest of proper site management and to protect the amenity of the area.**

- 31. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:**
- Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.**
  - Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.**
  - 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.**
  - Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.**
  - They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.**
  - They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.**
  - Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.**
  - They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.**

The above shall be implemented throughout the construction, re-instatement and de-commissioning of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason: In the interest of proper site management and to protect the amenity of the area.

32. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Air Quality Assessment (AQA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

33. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Noise Impact Assessment (NIA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

34. As part of any Approval of Matters Specified by Condition (AMSC) application, an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

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

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as

**Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.**

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

**Cultural Heritage**

- 35. As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 a detailed report setting out protection of key heritage assets and their settings shall be submitted to and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter the agreed actions will be undertaken in full, to the satisfaction of the Council as Planning Authority.  
Reason: the protection of key heritage assets.**
- 36. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority.  
Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust  
Reason: To safeguard archaeology in the area.**
- 37. As part of any Approval of Matters Specified by Condition (AMSC) application, a scheme detailing the provision and timing of protective fencing shall be submitted to the Council for approval as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Once approved, the fencing shall be erected around the historic battlefield area in a manner as approved and retained in accordance with the approved scheme. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.  
Reason: To ensure the preservation of the historic environment.**
- 38. As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 an Updated Battlefield Conservation Plan (BCP) shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.**

**Reason: To ensure the preservation and enhancement of the historic environment.**

**Landscape**

- 39. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for each phase shall be submitted for the approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.**

**Reason: To ensure a satisfactory standard of local environmental quality.**

- 40. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.**

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

- 41. As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.**

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

- 42. As part of any Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.**

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

- 43. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.**

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

- 44. The asserted right of way/core paths METH/121, METH/13, METH/131 and CTYS/112 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.**

**Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.**

- 45. As part of any Approval of Matters Specified by Condition (AMSC) application, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.**

**Reason: To ensure that public access is maintained at all reasonable times, to the local path network.**

### **Biodiversity**

46. As part of any Approval of Matters Specified by Condition (AMSC) application, a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Biodiversity Action Plan shall be implemented in accordance with the approved plan.  
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
47. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, protected species and deer shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points shall be fully adhered to, respected, and undertaken as part of the construction phase of development.  
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
48. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.  
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
49. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.  
Reason: In the interests of protecting environmental quality and of biodiversity.
50. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in



accordance with the agreed details prior to the occupation of the relevant residential unit.  
Reason: In the interests of protecting environmental quality and of biodiversity.

**Flood Risk and Drainage**

51. As part of any Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

52. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Drainage Strategy including detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The strategy and scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

53. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

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

54. As part of any Approval of Matters Specified by Condition (AMSC) application, following consultation with SEPA and NatureScot a detailed Blue/Green Infrastructure Scheme, shall be submitted for approval of the Council as Planning Authority. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

**Reason:** To ensure the provision of provide effective drainage for the site in line with Councils policies on good placemaking.

**Heat and Energy**

- 55.** As part of any application for the Approval of Matters Specified by Condition (AMSC), an updated, detailed Energy Statement supporting a zero-carbon development shall be submitted for the written agreement of the Council as Planning Authority. The statement must include timescales for the provision of zero carbon developments within the site. The agreed energy measures and zero-carbon initiatives shall thereafter be implemented in accordance with the agreed details and timescales.

**Reason:** To reduce reliance on fossil fuels and to deliver a zero-carbon development at Perth West.

**Waste**

- 56.** Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the commercial or residential units shall be occupied until the agreed scheme has been provided in full.

**Reason:** In order to ensure adequate servicing facilities are provided.

**JUSTIFICATION**

There are material considerations that result in a recommendation to depart from the approved Development Plan.

**PROCEDURAL NOTES**

- 1.** A Section 75 is required to deal with a financial contribution towards affordable housing, primary education, transport infrastructure (including public transport), open space provision, path connections, healthcare infrastructure and establishment of a Project Design Team including the Council and Key Agencies for the detailed design stages of the planning process.
- 2.** Consent shall not to be issued until the Section 75 Agreement has been 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 through failing

to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

#### **INFORMATIVES**

1. 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.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

6. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
7. 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.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. The granting of planning permission does not stop the continued right of public access along the existing core paths METH/121, METH/13, METH/131 and CTYS/112. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
11. There is a Section 75 legal obligation associated with this planning permission, which relates to affordable housing provision (25%); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision, health care provision, maintenance and core path connections, and establishment of Project Design Team for any detailed applications. A copy is available to view on the Council's [Public Access portal](#).

#### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION**

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Report dated May 2020. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring

land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.

3. The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The significant effects on the environment were identified to be:
  - Air Quality
  - Noise Pollution
  - Ecology
  - Traffic and Transport
  - Flood Risk and Drainage
  - Tippermuir Historic Battlefield Site
  - Archaeology
  - Blue/Green Infrastructure
  - Landscape and Visual Impact
4. The Planning Authority is satisfied that 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 EIA Report, 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 of the following:
  - Woodland Planting and Landscaping
  - Assessment of visual impact on wider area
  - Construction and Environment Management Plan (CEMP)
  - Ecological Clerk of Works (ECoW)
  - Construction Traffic Management Scheme (CTMS)
  - Green Travel Plan
  - Blue/Green Infrastructure
  - Air Quality Assessment
  - Noise Impact Assessment
  - Habitat Assessment including Breeding Birds and Protected Species
  - Landscape and Visual Impact Assessment
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning

**conditions 1, 4, 6, 8, 9, 16, 17, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 46, 47, 51, 52, 54 and 55 as set out herein, the proposal is acceptable and can be approved.**

Amendment (Councillor W Wilson and M Barnacle)

Refuse for the following reasons;

- (i) The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 43, Greenbelt, as it could involve the loss of significant area of greenbelt, and there are no material considerations to warrant a departure for the local development plan.
- (ii) The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 17, Residential Amenity, as the proposed underpass under the A9 and Tweed Place would have a significant detrimental impact on the amenity of the adjoining dwellings, particularly St. Boswell's Place and Coldstream Avenue, particularly in relation to noise and air quality.
- (iii) The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 52, New Development and Flooding, as it has not been satisfactorily demonstrated that there will not be additional flood risk, particularly in relation to Tweed Place and immediate surrounding area.

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

8 members voted for the Motion as follows:

Councillors B Brawn, R Brock, T Gray, D Illingworth, I James, R McCall, R Watters and M Williamson.

4 members voted for the Amendment as follows:

Councillors M Barnacle, C Reid, L Simpson and W Wilson.

**Resolved:**

In accordance with the Motion.

- (ii) **21/00197/IPM - PERTH - S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM, land to the west of Charlotte Gate development, Glasgow Road, Perth – Report 21/72 – The John Dewar Lamberkin Trust And Bellway Homes Limited**

Mr J Scott introduced the report and provided an update to members, also circulated to members prior to the meeting, outlining the addition of *Policy 5: Infrastructure Contributions* to Paragraph 16 of Report 21/72, and the proposal of an additional Condition, Condition 17 below, should the application be granted.

**Resolved:**

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

**Conditions**

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle for the development of Phase 1 – Employment Land only (LDP2 Site E2) shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
2. No works in connection with the remaining development site Phase 1 – Employment Land (LDP2 Site E2) hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
  - (i) an updated delivery plan for Phase 1 - Employment Land
  - (ii) details of all cut and fill operations in the construction of remaining development Phase 1 – Employment Land;
  - (iii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development Phase 1 – Employment land, relative to existing ground levels and a fixed datum point;
  - (iv) the siting, design, height, and external materials of all buildings or structures;
  - (v) the details of all roads, footpaths, and cycleways within Phase 1 – Employment land;
  - (vi) details of any screen walls/fencing to be provided;
  - (vii) measures to maximise environmental sustainability through design, orientation and planting or any other means; and

- (iix) details of all landscaping, planting, and screening associated with the development of Phase 1 – Employment land;
- (ix) full details of the proposed means of disposal of foul and surface water from the development of Phase 1 – Employment land;

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

3. Prior to the start of any work on the site of Phase 1 – Employment land (LDP2 Site E2), an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure the implementation and completion of the remaining business land component of the proposal.

4. Notwithstanding the details on the approved masterplan (Plan Ref: 12/01692/2) and prior to the commencement of any works in connection with Phase 1 – Employment Land (LDP2 Site E2) a development brief shall be provided for the area covered. The brief shall specify:
  - (i) the height and appearance of all new structures;
  - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
  - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
  - (iv) the lighting of all streets and footpaths
  - (v) the layout of play areas and the equipment to be installed;
  - (vi) maintenance of all open space and treed areas;
  - (vii) Details of car charging points to be provided within the development.

Once approved, all development shall be carried out in accordance with the approved brief.

Reason: In order to give further consideration to those details which have still to be submitted.

5. A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for remaining Phase 1 – Employment Land (LDP2 Site E2) for the written approval of the Planning Authority, all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of buildings. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason: To ensure adequate protection of the water environment from surface water run-off.



6. Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority, and thereafter complied with.

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

7. Schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for the remaining Phase 1 –Employment Land (LDP2 Site E2). Details of the schemes shall include:
- (i) existing and proposed finished ground levels relative to a fixed datum point;
  - (ii) existing landscape features and vegetation to be retained;
  - (iii) existing and proposed services including cables, pipelines and substations;
  - (iv) the location of new trees, shrubs, hedges, grassed areas, and water features;
  - (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture;
  - (vii) an indication of existing trees, shrubs and hedges to be removed;
  - (viii) 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.

8. No part of the development of Phase 1 – Employment Land (LDP2 Site E2) shall be occupied until provision has been made towards a path network connection with the adjoining park and ride facility and residential area. The details of this provision shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To secure and enhance existing public access.

9. No part of the development of Phase 1 – Employment Land (LDP2 Site E2) shall commence until provision has been made towards a road improvement scheme that mitigates the impact of the proposed development on the Trunk Road Network. The details of this provision shall be agreed in writing with the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the trunk road network.

10. No part of Phase 1 – Employment Land (LDP2 Site E2), shall be occupied until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable travel modes.

11. Prior to the commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

Reason: In the interests of visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.

12. Prior to the commencement of development Phase 1 – Employment Land (LDP2 Site E2) a detailed Site Waste Management Plan (SWMP), including specific measures to minimise the use of raw materials and methods to reduce, re-use or recycle waste material on site where appropriate, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date. Thereafter the development shall be fully undertaken in accordance with the approved SWMP.

Reason: To minimise waste production and reduce reliance on landfill.

13. Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a lighting scheme shall

be submitted to and approved in writing by the Planning Authority. Once approved, the lighting installation shall be implemented in accordance with the approved details as part of the works on site.

Reason: In the interests of the amenity of the area and to avoid excessive light pollution.

14. Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc, must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason: To prevent disturbance from noise.

15. Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a site-specific plan, detailing bin storage areas 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: To ensure there is adequate provision for waste disposal and recycling.

16. Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a scheme of mitigation to improve air quality shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall be implemented before the occupation of the development and all to the satisfaction of the Council as Planning Authority.

Reason: To prevent the deterioration of air quality above a level that would be detrimental to the amenity of the area.

17. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

### **Justification**

There are material considerations that result in a recommendation to depart from the approved 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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact the Construction and Maintenance

Manager, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

9. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
11. The Council's Community Waste Adviser should be contacted to clarify the bin storage and recycling requirements for the development of Phase 1 – Employment Land (LDP2 Site E2).

A 5 MINUTE RECESS WAS TAKEN AT THIS POINT

## **(2) Local Applications**

- (i) **20/00805/FLL - AUCHTERARDER - Change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works, Auchterarder House, Auchterarder – Report 21/73 – Mr Robert Wiseman**

Prof C Laird, on behalf of objectors, and Ms E Webster, agent on behalf of the applicant, 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 commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment, music, noise limiter settings, vehicle movements, times of any deliveries

to and from the site, event activities such as fireworks, etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

4. Prior to the commencement of the development hereby approved, details of an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the written agreement of the Council as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated, such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

5. The number of days on which events can be held shall be restricted to a maximum of 30 within any calendar year.

Reason: In order to reflect the position assessed in the Noise Impact Assessment and in order to safeguard the residential amenity of the area from impacts beyond that assessed within that Assessment.

6. Prior to the development hereby approved being completed or brought into use, the vehicular access to the car park as shown in drawing ref. 11, shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail.

Reason: In the interests of pedestrian and traffic safety.

7. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. Details of the archaeological organisation retained by the developer shall be given to the

Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason: To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

8. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include full details of all hard and soft landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted as well as provision for re-locating plants and trees and measures to enhance a wider area of woodland. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

9. Prior to commencement of development a Construction Method Statement shall be submitted for the written agreement of the Council as Planning Authority. Such Statement should set out the sequence and scope of site operations and include details of how excavated soils are to be distributed such that they are not inappropriately dispersed into the woodland and that protective fencing is in place post felling and before any physical site development works.

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

10. The conclusions and recommended action points within the supporting protected species survey dated October 2020 (Drawing Ref: 09) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

11. Prior to the commencement of development hereby approved, details of the location and specification of

compensatory bat roosts, in the form of integrated bat boxes, bat bricks and Morris slates shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat bricks, slates or boxes shall be installed in accordance with the agreed details, prior to the operation of the development.

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

12. Prior to the commencement of development hereby approved, details of the location and specification of at least four swallow nest boxes shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the nest boxes shall be installed in accordance with the agreed details, prior to the occupation of the development  
Reason: In the interests of protecting environmental quality and of biodiversity.

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

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

14. Prior to the installation of any external lighting, details shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason: In the interests of biodiversity and to avoid light pollution in a rural area.

15. Prior to the commencement of the development hereby approved, elevation and section details of the proposed new windows/doors at 1:20 scale shall be submitted to and agreed in writing by the Council as Planning Authority. The windows/doors as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

16. Prior to the commencement of the development hereby approved, a sample of the replacement roof slates, shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be



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

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

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
6. A search of historic records did not raise any concerns regarding ground contamination. However, it is the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
9. 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.

10. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
11. This is approval of your application Ref no 20/00805/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 20/00806/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
12. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

**(ii) 20/00806/LBC - AUCHTERARDER - Alterations and extension of stable buildings, Auchterarder House, Auchterarder – Report 21/74 – Mr Robert Wiseman**

**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. The removal of tiles/internal finishes is not hereby approved. Prior to such works commencing a detailed schedule of

works to internal finishes, including photographs, shall be submitted to and agreed in writing by the Council as Planning Authority. The works as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

3. Prior to the commencement of the development hereby approved, elevation and sectional details of the proposed new windows/doors, at a 1:20 scale, shall be submitted to and agreed in writing by the Council as Planning Authority. The windows/doors as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

4. Prior to the commencement of the development hereby approved, a sample of the replacement roof slates, shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

5. The development hereby approved shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be agreed in writing with Perth and Kinross Heritage Trust, on behalf of the Council as Planning Authority. Details of the archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon its completion.

Reason: To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

### **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 listed building consent will last only for 3 years from the date of this decision notice, unless the development has

been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).

2. This is approval of your application Ref no 20/00806/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 20/00805/FLL. No work should commence until planning permission is granted.
3. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This is approval of your application Ref no 20/00806/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 20/00805/FLL. No work should commence until planning permission is granted.

**(iii) 20/01779/FLL - PERTH - Erection of a care home, formation of vehicular access, parking areas, landscaping and associated works, land at former Hillside Hospital, Dundee Road, Perth – Report 21/75 – Westerwood Ltd**

**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, a Staff Travel Plan shall be submitted for the approval of the Council as Planning Authority. The agreed measures outlined within the approved plan shall thereafter be put in place by the care home operator.  
Reason: In the interests of promoting sustainable methods of travel and to reduce congestion.
3. The new priority junction onto Dundee Road shall be provided prior to the construction of the care home to enable access for construction vehicles.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed as per the submitted site plan (Drawing No: 37) and in accordance with Perth & Kinross Council's Road Development Guide, with Type B Road construction detail.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
5. Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.  
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.
6. Prior to the commencement of development, the precise location and detailed specification of the proposed replacement bus stop and associated shelter shall be submitted for the approval of the Council as Planning Authority. The bus stop shelter shall be equipped with a power supply to enable the installation of real-time bus stop information. The scheme as approved shall be undertaken to the satisfaction of the Council as Planning Authority prior to the development hereby approved being completed or brought into use.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
7. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.  
Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
8. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development. Particular attention is drawn to Section 1.6: Recommendations in the submitted Updated Preliminary Ecological Appraisal Report, Brindley Associates, February 2020 (Drawing No: 31).  
Reason: In the interests of protecting environmental quality and of biodiversity.

9. Prior to the commencement of development hereby approved, details of the repair/alterations to the stone boundary walls and associated features shall be submitted for the approval of the Council as Planning Authority. The details shall include the retention and re-use of existing stonework, specification of any new stonework, coursing and mortar jointing.  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
10. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
- the technology types;
  - illustrate, through technical calculations, that these will meet at least the 10% reduction;
  - their siting and location; and
  - ongoing operation and maintenance.
- Once approved, the development shall be completed in accordance with the approved scheme and shall not be occupied until the scheme has been installed and operating.  
Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.
11. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.  
Reason: In order to prevent animals from being trapped within any open excavations.
12. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
- a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
  - b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods

- c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations, as agreed, shall be fully implemented as part of the planning permission.

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

13. Prior to the commencement of development hereby approved, an Invasive Non-native Species Control Plan shall be submitted for the approval of the Council as Planning Authority. The plan shall include measures to eradicate and control Giant hogweed and Himalayan balsam. Thereafter the approved control plan shall be implemented in full to the satisfaction of the Council as Planning Authority.

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

14. Prior to the commencement of development hereby approved, details of the location and specification of the swift nesting bricks or boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the completion or bringing into use of the development, whichever is the earlier.

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

15. Prior to the commencement of development hereby approved, details of the location and specification of the integrated bat bricks, boxes or tubes shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the integrated bat bricks, boxes or tubes shall be installed in accordance with the agreed details prior to the completion or bringing into use of the development, whichever is the earlier.

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

16. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

17. For the avoidance of doubt, this approval relates solely to the proposed care home and the submitted masterplan is not approved by this permission.  
Reason: In order to clarify the terms of the permission.
18. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.  
Reason: In order to safeguard the neighbouring residential amenity in the area.
19. 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.
20. 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 to the satisfaction of the Council as Planning Authority.  
Reason: In order to safeguard the neighbouring residential amenity in the area.
21. 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 order to safeguard the neighbouring residential amenity in the area.
22. Prior to the development hereby approved being completed or brought into use, the mitigation measures in regard to insulation, window specification and trickle vents as detailed in in page 6 and Table 9 of the Noise Impact Assessment dated 5 March 2020 carried out by The Airshed Ltd shall be fully implemented (Drawing No: 28).  
Reason: In order to safeguard the amenity of occupants of the care home.
23. Prior to the commencement of the development a Construction Dust Management Plan (CDMP) shall be submitted for the written agreement of the Council as Planning Authority. The plan shall include details of all dust producing construction activities, monitoring procedures, mitigation measures to control dust and complaints procedures. Thereafter the approved CDMP shall be



implemented in full as part of the construction operations of the site.

Reason: In order to control dust during construction and safeguard the neighbouring residential amenity in the area.

24. All gas-fired boilers for the proposed care home shall meet a minimum standard of <40mg NO<sub>x</sub> kW/hr to the satisfaction of the Council as Planning Authority.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

25. Prior to the commencement of development details of the proposed cycle storage shall be submitted for the approval of the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

6. 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.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets nor does to approve any realignment of existing infrastructure. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to or adapt the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The mature Cedar of Lebanon (tag number 838) is protected by a Tree Preservation Order. The applicant is advised that they must seek permission from the Planning Authority prior to the felling this tree. It is an offence for any person to cut, lop, top, uproot, wilfully damage or destroy any tree covered by a Tree Preservation Order unless notification has been made to the Planning Authority and consent has been granted.
9. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout and landscaping scheme to incorporate additional parking and realignment of drainage infrastructure. Additional information was also submitted in respect to drainage and an updated Flood Risk Assessment.

THERE FOLLOWED A 30 MINUTE RECESS

COUNCILLOR BARNACLE LEFT THE MEETING AT THIS POINT

**(iv) 21/00224/FLL - KIRKMICHAEL - Change of use, alterations and extension to agricultural building to form events venue, formation of car parking, landscaping and associated works, Tullochcurran Farm, Kirkmichael, Blairgowrie – Report 21/76 – Mr and Mrs Miskelly**

Mrs A Condliffe introduced the report and provided an update to members, also circulated to members prior to the meeting, with regards to rectifying numbering in the recommended Conditions. The rectified numbering of recommended Conditions is reflected under the Amendment below.

Councillor C Shiers, Local Member, Mr T Jevon, on behalf of objectors, and Mrs Miskelly, applicant, accompanied by Mr J Russell, agent, address the Committee via audio conference and answered members questions.

Motion (Councillors B Brawn and R Watters)

Refuse for the following reasons;

- (i) The proposal is contrary to Policies 8(c) and 8(g): Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019) as the access road is not capable of accommodating the proposal due to the narrowness of the lane, its shared use, and potential volume of traffic, and due to the adverse impact on residential amenity on Williamstone Lane in particular.
- (ii) The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements – New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019), specifically the first (a) as the proposal is not designed for the safety and convenience of all users due to the proposed access not being capable of accommodating the additional volume of traffic associated with the proposal.

Amendment (Councillors D Illingworth and T Gray)

**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. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;**
  - I. the nature, extent and type(s) of contamination on the site**
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed**
  - III. measures to deal with contamination during construction works**

**IV. condition of the site on completion of decontamination measures.**

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

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

- 3. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.**

**Reason: To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.**

- 4. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.**

**Reason: To ensure existing water and drainage infrastructures are not compromised.**

- 5. Prior to the commencement of the development, a detailed design showing the locations of passing places shall be submitted to and approved in writing by the Council as Planning Authority. The passing places shall be designed such that the width of the track is**

increased to 5.5metres to allow space for vehicles to pass. The scheme as subsequently agreed in writing, shall be implemented prior to any works commencing on the building itself, and thereafter the passing places shall be retained in a reasonable condition for the life of the development hereby approved, all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety.

6. Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written approval of the Council as Planning Authority. The plan shall include all sources of noise associated with the premises, including music, patron noise, vehicle noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development hereby approved, all to the satisfaction of the Council as Planning Authority.

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

7. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 18) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 5: Bat Protection Plan in the approved Full Bat Survey Report, Jenny Wallace Ecology, 22 October 2020.

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

8. Prior to the bringing into use of the development hereby approved, three swallow and three house martin nest boxes shall be provided on the building to the satisfaction of the Council as Planning Authority.

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

9. No music, amplified or otherwise, shall be permitted in any outdoor area including marquees at any time.

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

10. 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.

- 11.** 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.

#### **Justification**

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

#### **Informatives**

- 1.** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2.** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3.** As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4.** No work shall be commenced until an application for building warrant has been submitted and approved.
- 5.** This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. 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.

6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
8. 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.
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
10. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
11. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
12. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to

do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

13. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
14. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
15. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
16. The granting of planning permission does not stop the continued right of public access along the existing core path MTBL/10. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

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

3 members voted for the Motion as follows:  
Councillors B Brawn, C Reid, and R Watters.

8 members voted for the Amendment as follows:  
Councillors R Brock, T Gray, D Illingworth, I James, R McCall, L Simpson, M Williamson and W Wilson.



**Resolved:**

In accordance with the Amendment.

- (v) **21/00357/FLL - LESLIE - Change of use from agricultural land to form garden ground and alterations and extension to dwellinghouse and outbuilding, West Feal Barn, Auchmuirbridge, Leslie, Glenrothes – Report 21/77 – Mr and Mrs Smith**

Mr K Smith introduced the report and provided an update to members, also circulated to members prior to the meeting, outlining the proposal of an additional condition, Condition 3 below, should the application be granted.

**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. The extended outbuilding shall only be used as ancillary accommodation associated to the domestic enjoyment of the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse. Activity associated to any business shall be limited to 'homeworking', with no material use of the facilities by parties not residing at the property.  
Reason: In order to clarify the terms of the permission; to control and restrict the use of the outbuilding.
3. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the

site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The site is located within a drinking water catchment. Anyone working on site should be made aware of this during site inductions. Scottish Water request that 3 weeks in advance of any works commencing on site, Scottish Water is notified at [protectdwsources@scottishwater.co.uk](mailto:protectdwsources@scottishwater.co.uk) so that they can make their operational teams aware there will be activity taking place in the catchment.
6. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

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

- (i) 21/00003/PAN - COUPAR ANGUS - Alterations and extension to factory, demolition of dwellinghouse and formation of car park, alterations to main entrance, formalisation of existing car park, creation of engineering yard, gist yard, temporary area and concrete yard at 2 Sisters Food Group, George Street, Coupar Angus – Report 21/78**

Councillor Simpson requested that the opportunity for engagement with the local community be undertaken.

Councillor Wilson requested that relationship with nearby land uses, scale design and layout, landscape and visual impact, air quality, noise and transport implications all be taken into consideration.

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

- (ii) 21/00004/PAN - COUPAR ANGUS - Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping, and associated works 2 Sisters Food Group, George Street, Coupar Angus – Report 21/79**

Councillor Simpson requested that the opportunity for engagement with the local community be undertaken.

Councillor Wilson requested that relationship with nearby land uses, scale design and layout, landscape and visual impact, air quality, noise and transport implications all be taken into consideration.

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

- (iii) 21/00006/PAN - KINCLAVEN - Formation of holiday accommodation, staff accommodation and facility units, landscaping and associated works at Ballathie House Hotel – Report 21/80**

Councillor Wilson requested that relationship with neighbouring land uses, including agricultural, be taken into consideration. Councillor Wilson also requested that landscaping and tourism implications be taken into consideration.

Councillor James requested that cognisance be taken of any Tree and Woodland Survey undertaken. Councillor James also

requested that Environmental Impact Assessment be undertaken if appropriate, and consultation be undertaken with neighbours.

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