

# PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 22 February 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, D Illingworth, I James, B Leishman, C Reid and R Watters.

In Attendance: D Littlejohn, L Reid, D Salman, K Smith, C Brien, S Panton and P Williamson (all Communities); A Brown, G Fogg, M Pasternak and D Williams (all Corporate and Democratic Services).

Apologies: Councillor E Drysdale.

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

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

## 2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors' Code of Conduct.

## 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 25 January 2023, be approved.

## 4. APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **22/00869/IPM - S42 application to modify condition 3 (occupation of dwellings) of permission 17/00847/IPM, land 250 metres south east of Wilmarean, Luncarty, Perth – Report 23/59 -**

Mr G Black, objector on behalf of Luncarty, Redgorton and Moneydie Community Council, followed by Mr J Stephen, on behalf of the applicant, addressed the committee and answered members questions.

### **Resolved:**

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

### **Direction**

1. 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 with respect to the In Principle Permission (22/00869/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 20 years.

### **Conditions**

1. Application for the approval required by a condition imposed on this Planning Permission in Principle 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 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) 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. The submitted masterplan, site layout plan and indicated scale of development, of up to 650 dwellings and 5 hectares of employment land, are purely indicative and are hereby not approved.

Reason: The application is for planning permission in principle only at this stage and an appropriate level of development, layout and design shall be determined through applications for the Approval of Matters Specified in Conditions.

3. Notwithstanding the terms of Condition 2, the maximum number of dwellings permitted to be occupied by 2029 is 350 dwellings. Furthermore, no more than 520 dwellings and 5 hectares of employment land, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new transport infrastructure solutions to distribute and/or reduce traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority. The solution may be a vehicular connection to the Cross Tay Link Road (CTLR) or an alternative measure. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of

250 occupied residential units and include the timing for the delivery for the infrastructure improvements.

Reason: In compliance with the allocation MU27 of the Perth and Kinross Local Development Plan 2 (2019); in the interests of local and trunk road traffic safety; and enhancing connectivity and integration with Luncarty and the wider area, all in the interests of good placemaking.

4. 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 in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) a detailed phasing plan;
  - (ii) 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, 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 roads, footpaths, cycleways, core path connections throughout the development;
  - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vi) details of all landscaping, structure planting and screening associated with the development of each site;
  - (vii) the lighting of all streets and footpaths;
  - (viii) the layout of play areas and the equipment to be installed;
  - (ix) full details of the proposed means of disposal of foul and surface water from the development;
  - (x) details of car charging points to be provided within the development; and
  - (xi) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.

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.

5. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4(i), a phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Planning Authority. The phasing strategy shall have regard to the requirements of Condition 3 and include and demonstrate the following details:

- (i) The timing and number of dwellings to be developed in each phase;
- (ii) The timing of delivery of infrastructure, open space and landscaping;
- (iii) When the first 2 hectares of employment land will be fully serviced; and
- (iv) When the remaining 3 hectares of employment land will be fully serviced.

For the avoidance of doubt "fully serviced" is land subdivided ready for building by individual occupiers. The individual plots shall be served by surfaced roads and footpaths, surface and foul drainage (with connecting tails into the curtilage of each plot), and water, gas/electricity and telecom ducting to the edge of (or in footpath next to) individual plots.

Reason: To ensure the implementation and completion of the employment land component of the proposal as this is the element of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

6. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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

7. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

8. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented during each phase including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In the interest of protecting archaeological interest within the site.

9. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account mitigation from any acoustic barriers or other such mitigation proposed.

Reason: In the interests of residential amenity.

10. Prior to the commencement of development of each phase an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

11. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

Reason: In the interests of residential amenity.

12. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

13. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the Planning Authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

14. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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).

15. The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species.

16. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Planning Authority prior to commencement of works.

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).

17. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall submitted for the written approval of the Planning Authority. 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. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.

Reason: In order to prevent animals from being trapped within any open excavations.

18. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), 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

19. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as the Trunk Roads Authority.

Thereafter, the development shall be completed in accordance with the approved scheme.

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.

20. 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.

21. As part of the first application for the Approval of Matters Specified in Condition an updated District Heating Feasibility Study for the whole site shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

22. Prior to the occupation of the first dwelling all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

23. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) arrangements for liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;

- e) 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;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) 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;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

24. As part of any application for the Approval of Matters Specified in Condition, all schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority.

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 and play equipment;
- (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;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

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.

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.

25. Any planting which, within a period of 5 years from the completion of the approved phase of 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.

26. As part of any application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

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

27. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.

Reason: To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan policy and Supplementary Guidance.

28. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.

Reason: To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan policy and Supplementary Guidance.

29. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to transport infrastructure.

Reason: To ensure that the development approved makes a contribution towards improvements of transport

infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

30. Prior to the commencement of development mitigation measures for the full length of Scarth Road are to be submitted and agreed to the satisfaction of the Planning Authority to accommodate additional traffic generation. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: In the interests of road safety and residential amenity.

31. Scarth Road and Fairview are not to be used for construction traffic. Construction access to be taken from the new Primary Access Road, which will require to be developed first.

Reason: In the interests of road safety and residential amenity.

### **Justification**

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

### **Procedural Notes**

The existing Section 75 tied to planning permission 17/00847/IPM is required to be updated and/or modified as the agreement does not have a “future proofing” clause to accommodate for subsequent changes to the development, covering Section 42 applications or renewal of permission and other related planning changes.

Consent shall not be issued until the Section 75 Agreement has been modified, signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. 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.
2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

3. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.
4. 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, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. 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)
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
9. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
11. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be

made by the applicant in relation to adequate protection of the uses contained within the site.

12. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
13. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
14. Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
15. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
16. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
17. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477027.
18. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
19. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
20. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
21. 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.
22. 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.

23. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

(ii) **22/01158/AMM - Erection of 81 dwellinghouses, a substation and formation of play area, SUDS, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (LDP site H31), land 90 metres west of King Street junction, Mill Brae, Stanley, Perth – Report 23/60 -**

**Resolved:**

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

**Conditions**

**General**

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.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.

**Drainage and Flooding**

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

with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

4. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

#### **Residential Amenity**

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

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

#### **Sustainability**

6. Prior to the commencement of development, a scheme, including a layout plan and cross sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow for future potential district heating infrastructure to be incorporated within the site at a future date.

7. Development shall not commence until specifying measures for each residential unit to maximise environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. 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. All works shall be carried out in accordance

with the agreed scheme and be operational prior to the occupation of each residential unit.

Reason - In the interest of protecting the environment and sustainability.

#### **Core Paths**

8. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason - In the interest of sustainable transportation.

#### **Trees and Landscape**

9. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

10. All landscaped areas outwith the curtilages of the dwellings and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellings hereby approved without the express grant of planning permission by the Planning Authority,

Reason - In the interests of the character and appearance of the development.

11. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

#### **Waste Collection**

12. For each phase of the development, a site-specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

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

#### **Biodiversity**

13. The conclusions and recommended action points within the supporting preliminary ecological appraisal, woodland management plan and biodiversity enhancement plan submitted and hereby approved (document(s) 22/01158/103, 22/01158/109 and 22/01158/119 relates) shall be fully adhered to, respected and undertaken as part

of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of 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 commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species.

Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

Reason - In the interests of 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).

15. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs.

Thereafter, the hedgehog highways shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of 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).

16. 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.

17. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

## **Roads**

18. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a



Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interests of road safety

19. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or

enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - in the interests of sustainable transport.

20. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, electric car charging, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason – In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

### **Play Area**

21. The approved children's play area on plan reference 22/01158/44 (drawing number SC14594-01) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play provision within six months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

Reason – In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

### **Justification**

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from the relevant policy 25 of the LDP2.

### **Procedural Notes**

Permission shall not 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 may be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to

commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This 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.
5. 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.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. 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.
9. No work shall be commenced until an application for building warrant has been submitted and approved.

10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. 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 reduce number of dwellinghouses and revise layout.
12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
13. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
14. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
15. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
16. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
17. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

18. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.
19. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
20. 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.
21. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.
22. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.

*THE COMMITTEE TOOK A 10 MINUTE RECESS AND THEN RECONVENED.*

- (iii) **22/01285/FLM - Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works, land 130 metres southeast of Coupar Angus Substation, Pleasance Road, Coupar Angus – Report 23/61 -**

Mr S Galloway, Mr D Galloway, Dr A Kennedy, Mr J Baxter and Mr and Mrs Button, all objectors to the application, followed by Mr V Mirchandani, applicant, addressed the committee and answered members questions.

**Resolved:**

Refuse, for the following reasons:

1. The development, owing to its size, appearance and location raises significant landscape character and visual impact concerns, failing to contribute positively to the quality

of the surrounding built and natural environment. The development is considered contrary to Policies 1A and 1B of the LDP2 2019 as well as the Council's Placemaking Supplementary Guidance.

2. The development, owing to inadequate mitigation in seeking to offset landscape concerns raised, fails to comply with Policy 11 of the National Planning Framework 4.
3. Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. The development, owing to its scale, area, and open location, on the main approach roads to Coupar Angus, will erode the local distinctiveness of landscape character at this location significantly impacting the visual integrity of the area. The development is not considered to comply with Policy 39 of the LDP2 2019.
4. The development, owing to its scale, massing, and location may contribute to the cumulative loss of prime agricultural land within a wider setting, whilst also resulting in the loss of food production potential and food security over its lifetime. The development does not comply with Policy 50 of the LDP2 2019.
5. The development, on account of a lack of technical detail, has not satisfactorily demonstrated that any impacts on flood risk and or land drainage are acceptable or appropriately managed. Consequently, it cannot be confirmed that the development complies with Policies 53A and 53C of the LDP2 2019 nor Policy 22 of the National Planning Framework 4.

*THE COMMITTEE TOOK A 10 MINUTE RECESS AND THEN RECONVENED.*

**(iv) 22/01587/MWM - Extension to quarry, Balado Quarry, Balado – Report 23/62**

Mr W Booth, agent, addressed the committee and answered members questions.

**Resolved:**

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

**Conditions**

**General**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. The term of approval for this permission shall be 6 years and 8 months from the date of Notification of Initiation of Development.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. All sand and gravel extraction within the site shall be completed within 5 years and 8 months from of the date of Notification of Initiation of Development. All plant and machinery shall be removed from the site and the land entirely reinstated to the satisfaction of the Council as Planning Authority at the termination of operations or the expiry of the term of approval specified by Condition 2, whichever is the earlier. Termination of operations shall be deemed to be on the cessation of sand and gravel extraction operations for a period of 6 consecutive months or longer.  
Reason - In accordance with the terms of the application and for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

4. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans and submitted documentation herewith approved. No deviations from the phasing plan shall be permitted. Restoration of the land to the agreed 'after use' shall take place concurrently with extraction to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

5. The rate of extraction shall not exceed 150,000 tonnes per annum unless otherwise agreed by the Council as Planning Authority.

Reason - In the interests of amenity and to maintain existing processing rates at the Quarry

#### **INEOS Pipeline**

6. Notwithstanding Condition 1, No excavation works are hereby approved within 10 metres from the nearest edge of the INEOS FPS Pipeline route. All excavations up to and bordering the defined 10 metre exclusion area shall also not exceed a slope angle of 18 degrees.

Reason - To avoid adverse impacts to the INEOS FPS pipeline and to provide appropriate asset protection, recognising existing defined areas of servitude.

7. Prior to the commencement of development, a pipeline consultation and management plan shall be submitted to the Council as Planning Authority, for approval in writing, in consultation with INEOS PSL Ltd. The consultation and management plan shall set out;
- The method and timing of notification to the pipeline operator of the proposed commencement of works;
  - the means, timing and responsibility for any pre commencement surveys or marking of the pipeline route;

- An agreed method, content, timing and notification procedure for the provision of a program of works, including reinstatement works, in proximity to the pipeline. As a minimum the notification must set out anticipated commencement dates, timelines for operations within proximity of the pipeline and any reinstatement works;
- The means to secure or facilitate access to the quarry by pipeline operators as required for the purposes of inspecting the pipeline and or any quarry slopes adjacent;
- An agreed monitoring programme for monitoring slope stability in proximity to the pipeline, including notification to the pipeline operator of any monitoring results;
- An agreed methodology for notification to the pipeline operator in the event any urgent repairs being identified (to the pipeline and or to the slope stability adjacent to the pipeline), including the means of consultation and cooperation with the pipeline operator in completing those works.
- An agreed methodology for notification of the pipeline operator, including any action points to be undertaken if a flood event occurs.

Reason - To avoid adverse impacts to the INEOS FPS pipeline and to secure appropriate asset management.

### **Transport and Planning**

8. Mineral extraction and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations associated with loading and dispatch only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays.

Reason - In the interests of residential amenity and mitigation of any impacts on the road network.

### **Noise**

9. Noise levels measured at noise sensitive properties shall not exceed the following limits during the specified times.
  - a) Between the hours of 0630-0800 Monday to Saturday at all residential properties - 45dB LAeq,1h (Free field) and,
  - b) During the normal daytime working hours 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturday the free-field Equivalent Continuous Noise Level (LAeq,1h) for the period due to quarry operations, excluding soil handling activity and other works in connection with landscaping, when measured and assessed in accordance with PAN 50:
    - Mossbeg and Balado Neuk - 49 dB LAeq,1h



- Balado Farm Cottages & Balado Farmhouse - 50 dB LAeq,1h
  - Tigh na Coille and Balado Bridge Poultry Farm - 55 LAeq,1h
  - The Rieve, Burnbrae - 45 LAeq,1h
10. Soil handling activity and other works in connection with landscaping shall not exceed 70 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property and be limited to a period not exceeding 8 weeks in any one year.  
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
11. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with 'Conditions 9 and 10' above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with 'Conditions 8 and 9' a scheme of noise mitigation shall be submitted with the noise assessment to the Council as Planning Authority for written approval, specifying timescales for the implementation of the scheme with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.  
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
12. No mineral processing operations at any time are permitted within the extraction areas hereby approved and detailed within Drawings 6 and 7. All material shall be processed and stockpiled within the existing quarry area as Authorised by Planning Permission 17/01441/MWM.  
Reason - In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to extraction areas hereby approved.

#### **Dust**

13. A Site Dust Management Plan (SDMP) for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Environmental Health. The SDMP shall set out dust control mitigation measures and a complaints procedure as outlined in Section 9 of the supporting Environmental Impact Assessment Report dated September 2022. All dust management onsite shall thereafter proceed in accordance with the approved scheme for the duration of this permission.  
Reason - In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located

in proximity to the northern excavation area hereby approved.

### **Lighting**

14. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the boundaries of the site.  
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

### **Biodiversity**

15. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.  
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
16. Prior to the commencement of any works on site, all trees therein (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.  
Reason - In the interests of amenity and enhancement of local biodiversity values.
17. The conclusions and recommended action points within the supporting Extended Phase 1 Habitat Survey, prepared by Direct Ecology, dated 18.11.2021 Version 1 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 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).

18. Prior to the commencement of development an Invasive Species Management Plan for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with the Scottish Environment Protection Agency and the Council's Biodiversity Officer. The Invasive Species Management Plan shall set out control, mitigation and eradication measures for all identified invasive non species. The management of all invasive non species shall thereafter proceed in accordance with the approved plan for the duration of this permission.  
Reason - In the interests of employing best practice ecology and appropriate implementation of Section 14 of the Wildlife and Countryside Act (1981).
19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.  
Reason - In the interests of 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).

#### **Archaeology**

20. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.  
Reason - In the interests of protection the historical environment and in order to protect any archaeological assets that may be present within the site.

#### **Private Water Supply**

21. The development hereby approved shall not impact any existing private water supply. 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 private water sources, private water supply storage facilities and/or private water

supply pipes serving properties in the vicinity, sited within and or running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

#### **Aftercare and Restoration**

22. Restoration shall be undertaken in a progressive manner in accordance with the restoration commitments detailed in Section 4 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated September 2022 and the indicative restoration plan, Drawing 14.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

23. Within six months of final cessation of quarrying a scheme for final landform restoration and aftercare, shall be submitted for the prior approval of the Planning Authority and shall be based on the restoration and aftercare commitments detailed in Sections 4.3 and 4.4 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated 22 November 2021 hereby approved.

Thereafter, the final landform restoration operations and aftercare scheme shall be implemented in accordance with the approved details.

Reason - To ensure that the final contours, updated restoration plans and any after care management for the site are adopted and that the site is capable of beneficial after use, whilst minimising impacts on the landscape, nature conservation and amenity of the surrounding area.

#### **Justification**

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

#### **Procedural Notes**

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with site decommissioning, restoration and aftercare has been completed and signed along with that bond or financial instrument. 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 may result in the planning application being re-assessed through failing to comply with the Minerals and Other Extractive Activities Policy 49B; Restoration and will be ultimately recommended for refusal under delegated powers.

### **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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 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 Environment Protection Agency (SEPA).
5. 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 reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wildbirds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. An updated ecology survey is required if work has not commenced within 2 years of date of last survey (September 2021) approved as part of this permission. The

- updated survey shall be submitted to the Council as Planning Authority for further written agreement.
9. Results of restoration monitoring be sent to the Local Authority via [Biodiversity@pkc.gov.uk](mailto:Biodiversity@pkc.gov.uk).
  10. 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.
  11. 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.

**(v) 22/01827/AMM - Section 42 application to modify condition 10 (noise mitigation) of permission 20/00169/AMM, Morris Leslie, Errol Airfield, Grange, Errol, PH2 7TB – Report 23/63 -**

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.  
Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.  
Reason - In the interest of pedestrian and cycle safety.
4. The detailed landscaping and planting scheme, including the sports pitch as approved under planning reference

20/00169/AMM (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the Development Plan.

5. The approved children's play area(s) as approved under planning reference 20/00169/AMM (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority. For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.

Reason - In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

6. The approved delivery and phasing plan as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.

For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.

Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

7. The approved sustainable urban drainage system (SUDS) under planning reference 20/00169/AMM (drawing number 20/00169/74) shall be carried out in accordance with the approved scheme and be operational prior to the bringing into use of the development.

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

8. The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

- Reason - To reduce the risk of flooding.
9. All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: 'Trees in relation to construction, demolition and construction. Recommendations'.  
Reason - To ensure a satisfactory standard of local environmental quality.
10. A 3 metre high acoustic fence at the northern boundary as shown in Drawing Reference 20/00169/59 shall be put in place prior to occupation of any dwellinghouse. Thereafter, the fence shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.  
Reason - To ensure a satisfactory standard of local environmental quality.
11. Prior to any further works being undertaken, a detailed specification of the proposed landscape bund shall be submitted for the further approval of the Planning Authority. The detail as subsequently approved shall be carried out and completed prior to occupation of the first dwelling and thereafter maintained.  
Reason - In the interests of residential amenity.
12. 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 - To ensure a satisfactory standard of local environmental quality.
13. Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.  
Reason - To ensure a satisfactory standard of local environmental quality.
14. The Construction Traffic Management Scheme (CTMS) as approved under planning reference 20/00169/AMM (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.  
Reason - In the interest of road safety.
15. The level and location of recycling facilities as agreed under planning reference 20/00169/AMM (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.



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

16. Prior to any further works being undertaken in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. 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 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 be submitted to the Council as Planning Authority.

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

17. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority for approval.

Reason - In the interests of protecting environmental quality and of biodiversity

18. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

19. If the development hereby approved having commenced in 2019 is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to;
- i) establish if there have been any changes in the presence and/or abundance of protected species and
  - ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Council as Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

20. Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

21. Prior to the occupation and use of the approved development the applicant shall, at their own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason - In the interest of road safety.

22. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason - In the interest of promoting sustainable travel.

23. The external lighting plan as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution.  
Reason - To minimise any light pollution.
24. The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April - August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and NatureScot (formerly SNH) prior to the commencement of the development on site.  
Reason - In the interests of protecting environmental quality and of biodiversity.
25. The details as approved under planning reference 20/00169/AMM relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site.  
Reason - In the interests of protecting environmental quality and of biodiversity.
26. The details as approved under planning reference 20/00169/AMM of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale.  
Reason - In the interests of protecting environmental quality and of biodiversity.
27. No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority.  
Reason - In the Interest of vehicle and pedestrian safety.
28. Prior to the completion of any residential plot, details of the bus stops shown in the approved Housing Layout Plan of planning application 20/00169/AMM (drawing numbers 20/00169/47 and 20/00169/48) shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.  
Reason - In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

29. Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.  
Reason - In the Interest of vehicle and pedestrian safety.

### **Justification**

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

### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. This development requires 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 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance.
3. 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. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.

6. 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, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The 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).
9. The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
10. Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
11. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
13. There is a Section 75 legal obligation associated with this planning permission, which relates to 16/00999/AMM. A copy is available to view on the Council's Public Access portal.

*THE COMMITTEE TOOK A 45 MINUTE RECESS FOR LUNCH.*

*THE COMMITTEE RECONVENED AT 2.00PM.*

*COUNCILLOR C REID LEFT THE MEETING AT THIS POINT*

## **(2) Local Applications**

- (i) 21/00248/FLL - Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works, land west of 4 Pickembere, Pitheavlis, Perth – Report 23/64 – Aldi Stores Ltd**

Mr W Wilson, objector on behalf of Perth South Greenspace Group, followed by Mr S Robb, agent and Mr P Johnston, on behalf of the applicant, addressed the committee and answered members questions.

### **Resolved:**

Granted, subject to the same conditions outlined in Report No. 22/113, considered at the meeting of the Planning and Development Management Committee of 1 June 2022.

- (ii) 22/01711/FLL - Erection of 27 holiday accommodation units and associated works, Mains of Taymouth, Kenmore– Report 23/65 -**

### **Resolved:**

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

### **Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. The surface water drainage arrangements shall be installed and operated in accordance with the surface water drainage information hereby approved as outlined in approved documents 14, 18, 19 and 30.  
Reason - To ensure the provision of effective drainage for the site.
4. All trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.  
Protection measures, once in place, shall remain in place for the duration of construction.

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

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 31 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

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. 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 visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

9. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - To ensure the suitable occupancy of the units.

10. All construction operations shall be undertaken in strict accordance with the Construction Method Statement hereby approved (doc ref: 33).

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

### **Justification**

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

### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
4. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

**(iii) 22/01698/FLL - formation of vehicular access and hardstanding, erection of fence and associated works, Land 35 metres South-East of 11 Torlee Road, Birnam – Report 23/66 -**

### **Resolved:**

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

### **Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.

3. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail of Type B Road construction detail. The Type B Road construction detail shall continue into the entrance for a distance of 6.0 metres from the boundary of the public road surface.

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

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

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

5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

### **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. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available

at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

2. The applicant is advised to contact the Street Lighting Partnership, as there is existing underground cabling in vicinity of any vehicle access and will need to be lowered to a minimum depth of 750mm. Design and specification will require to be agreed.
3. 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.
4. 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.
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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
6. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
8. [https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood\\_Risk\\_Flood\\_Risk\\_Assessments\\_adopted\\_March21.pdf?m=637647027940470000](https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000)
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 removed the Transmission Regulator Station from the application proposal as this is classed as permitted development under Class 39 of the Town and Country

**(iv) 22/01784/FLL - Formation of hardstanding areas and landscaping, erection of storage shed, gates, alterations to fencing and associated works, King George V Playing Field, Muirs, Kinross – Report 23/67 -**

Ms E Thomas, objector, followed by Mr A Montford, on behalf of the applicant, addressed the committee and answered members questions.

**Motion (Councillor D Illingworth and Bailie M Williamson)**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. Prior to the commencement of development an Arboricultural Method Statement (AMS) be submitted and agreed in writing with the Council as Planning Authority. The AMS shall clearly sets out the sequence of site operations to be undertaken, tree protection measures, tree works, root pruning (if roots encountered), soil removal, hard landscaping, site storage, plant & machinery storage, type of plant to be used, pre-start agreement with contractors, concrete preparation. The statement as agreed shall be implemented in full as part of the development of the site.  
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
4. 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 replacement of the propsoed *Griselinia littoralis* with a heavy standard size, rootballed, broadleaf tree such as, rowan, *Sorbus aucuparia* Hupehensis, or lime, *Tilia cordata* Greenspire, or Turkish hazel, *Corylus columna*. 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.

5. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the planning authority. The plan shall include all sources of noise associated with the use of the spectator and team warm up area including user noise, including noise from antisocial behaviour, activity noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. A scheme of any proposed noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

### **Justification**

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

### **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 planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
4. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. 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.

Amendment (Councillors B Brawn and D Cuthbert)

Refuse, as the proposal is contrary to Policies 17 and 1A of the Perth and Kinross Local Development Plan 2 (2019).

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

7 members voted in accordance with the Motion as follows:  
Councillors H Anderson, D Illingworth, I James, I Massie, G Stewart, R Watters, and Bailie M Williamson.

4 members voted in accordance with the Amendment as follows:  
Councillors B Brawn, D Cuthbert, B Leishman and Bailie C McLaren.

**Resolved:**

In accordance with the Motion.

*BAILIES C McLAREN AND M WILLIAMSON LEFT THE MEETING AT THIS POINT.*

**(v) 22/01816/LBC - Alterations, The Ell Shop, 9 The Cross, Dunkeld – Report 23/68 -**

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Non-ferrous materials shall be used to attach the sign to the stonework and the holes into the stonework shall be the minimum necessary.  
Reason - In the interests of protecting the special character of the Listed Building.

**Justification**

The proposal has due regard to the special interest of the listed building, and it complies with 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 22/01816/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 22/01817/FLL. No work should commence until planning permission is granted.

**(vi) 22/01817/FLL - Alterations to change door colour, The Ell Shop, 9 The Cross, Dunkeld – Report 23/69 -**

**Resolved:**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

### **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 is approval of your application Ref no 22/01817/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 22/01816/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
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. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.  
Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

*COUNCILLOR I JAMES LEFT THE MEETING AT THIS POINT.*

**(vii) 22/01924/FLL - Erection of garage building, 8 Middleton Park, Keltybridge, Kelty – Report 23/70 -**

Ms L Birrell, objector, addressed the committee and answered members questions.

### **Motion (Councillors H Anderson and D Cuthbert)**

Refuse, as the proposal is contrary to Policies 17 and 1A of the Perth and Kinross Local Development Plan 2 (2019).

### **Amendment (Councillors I Massie and D Illingworth)**

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

#### **Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.

#### **Justification**

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

#### **Informative Notes**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. An application for Building Warrant may be required.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
5. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)



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

4 members voted in accordance with the Motion as follows:  
Councillors H Anderson, B Brawn, D Cuthbert and R Watters.

4 members voted in accordance with the Amendment as follows:  
Councillors D Illilingworth, B Leishman, I Massie and C Stewart.

In terms of Standing Order 21.2, Councillor I Massie, Convener, exercised his right to a casting vote, which he cast in favour of the Amendment.

**Resolved:**

In accordance with the Amendment.

**6. PROPOSAL OF APPLICATION NOTICES (PAN)**

- (i) **22/00025/PAN - Change of use from stable block to visitor centre, including shop, restaurant, ticket offices and associated facilities, formation of adventure playpark, footpaths and car parking, erection of pavilion building and green houses, installation of biomass plant and solar meadow, and associated infrastructure, Scone Palace, Queen's Drive, Old Scone, Perth – Report 23/71**

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