

# PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in Council Chambers, 2 High Street, Perth on Wednesday 10 August 2022 at 10.30am.

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

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

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. No apologies were noted.

## 2. DECLARATIONS OF INTEREST

Councillors B Brawn and B Leishman declared a non-financial interest in Item 6(1)(ii) – 21/02249/FLM.

Councillor D Cuthbert and Bailie M Williamson declared a non-financial interest in Item 7(iv) – 22/00017/PAN.

## 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 6 July 2022, be approved.

## 4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Item No.
21/00755/FLL	6(2)(i)

## 5. APPLICATIONS PREVIOUSLY CONSIDERED

- (i) **22/00301/FLM S42 application to remove condition 14 (bus shelter and information board) of planning permission 18/02139/FLM at 37 Angus Road, Scone**

**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.

### **Finishes**

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

### **Landscaping and Biodiversity**

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

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

4. Prior to the commencement of development hereby approved, a Site Biodiversity Action Plan confirming the quantity, locations, techniques, timescales and monitoring arrangements of biodiversity enhancement measures recommended in supporting Preliminary Ecological Appraisal by David Dodds Associates Ltd dated August 2021 shall be submitted for the written agreement of the Council as Planning Authority. The submission should clearly show how enhancement measures have been incorporated into design schemes and architects' drawings to ensure they are realised. The scheme as subsequently approved shall be carried out and completed to the satisfaction of the Council as Planning Authority.

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

5. The play park shall be implemented as part of the site development programme and completed in full prior to the occupation of the final dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of the amenity of the area and to ensure the satisfactory implementation of the play area.

#### **Ground Contamination**

6. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

7. 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.

#### **Transport**

8. Prior to the commencement of the development hereby approved, the developer shall submit for the further 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.

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the

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

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
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.
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 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/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood\\_Risk\\_Flood\\_Risk\\_Assessments\\_adoped\\_March21.pdf?m=637647027940470000](https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adoped_March21.pdf?m=637647027940470000)
8. 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.
9. 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.
10. No work shall be commenced until an application for building warrant has been submitted and approved.

## **6. APPLICATIONS FOR DETERMINATION**

### **(1) Major Applications**

- (i) **21/02137/AMM Erection of a linked building for agricultural research and development, industry engagement and skills development and formation of roads, parking areas, landscaping, infrastructure and associated works (approval of matters specified by conditions 20/01103/IPM) at The James Hutton Institute, Errol Road, Invergowrie.**

#### **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 use of any lifting equipment including cranes etc the applicant must receive written confirmation from Dundee Airport that aircraft departing and arriving on runway 09/27 will be safeguarded. Furthermore, the applicant must receive written confirmation from Dundee that the use of lights, during construction, shall not dazzle nor distract aircraft preparing to land at Dundee Airport, all to the satisfaction of the Council as Planning Authority.  
Reason – To not impact on the operations of Dundee City Airport.
3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

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

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

5. No part of the development shall be occupied or brought into use, whichever is the earlier, until the applicant has provided the minimum parking provision as shown on drawing number 39 hereby approved, to the satisfaction of the Council as Planning Authority. Once provided, the parking shall thereafter be permanently retained as such for the life of the development.

Reason – To provide a suitable parking provision for the development.

6. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented and available for use for any vehicles travelling to the site, subject to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason – To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

7. No part of the development hereby approved shall be occupied until the Staff Travel Plan (STP) has been updated to reflect the operational situation within the development area identified on drawing number 1, all aimed to encourage more sustainable means of travel. The updated STP shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Transport Planning. The STP 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 – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority,

in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (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 interest of proper site management.

9. Prior to the bringing into use of any part of the development hereby approved, the proposed junction



modifications shown on drawing number 40 for the signalisation and improvements to the A85 Riverside Avenue/Main Street junction shall be implemented in full and fully operational, to the satisfaction of Perth & Kinross Council as Planning Authority. Prior to the implementation of the scheme, the relevant written agreements must be sought from Perth & Kinross Council and Dundee City Council as Roads Authorities. Evidence must be provided to Perth & Kinross Council that the relevant agreements from Dundee City Council are in place prior to the works being undertaken. For the avoidance of doubt, the active travel provision at the junction shall be subject to further discussion and written agreement from Perth & Kinross Council in consultation with Dundee City Council. The applicant shall also provide specifications of the provision of Close Circuit Television (CCTV) pole(s), camera(s) and hard line connection to Dundee City Council Urban Traffic Control System (UTC) for written agreement prior to any works being undertaken.

Reason – In the interests of road safety and to provide active travel routes to the development site.

10. Access along core path INGI/8 and Right of Way 52/8, or along the short diversion as specified in drawing number 38 should remain open for responsible access throughout the construction phase. On completion the diversion must be removed and access along the original core path/Right of Way restored.

Reason – To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.

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

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

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

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

12. The conclusions and recommended action points within the supporting Ecological Surveys, Bird Mitigation Plan and Biodiversity Action Plan submitted and hereby approved (drawing numbers 26, 27 and 37) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

13. 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).

14. The detailed landscaping and planting scheme (drawing numbers 16, 23 and 31) 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 – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The findings and recommendations contained with the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
7. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Perth & Kinross Council and Dundee City Council, as Roads Authorities, consent to open an

existing road or footway prior to the commencement of works. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

8. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Dundee City Council, in collaboration with Perth & Kinross 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. Please note that a fee is chargeable for the processing of RCC applications.
9. The applicant is advised that if there is any proposal to alter a route of an existing core path or right of way a further legal procedure is required.  
The granting of planning permission does not stop the continued right of public access along the existing core path or right of way. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought.
10. 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 [Supplementary Guidance - Flood Risk and Flood Risk Assessments - Perth & Kinross Council \(pkc.gov.uk\)](https://www.pkc.gov.uk/planning-and-building-control/planning-guidance/supplementary-guidance-flood-risk-and-flood-risk-assessments-perth-kinross-council-pkc.gov.uk).
11. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
12. 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). 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.
13. 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.

14. 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.
15. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
16. 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.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM COUNCILLORS B BRAUN AND B LEISHMAN LEFT THE CHAMBERS.

- (ii) **21/02249/FLM Erection of replacement recreation centre with swimming pool, sports hall, gymnasium, fitness suite, dance studio and ancillary facilities, installation of a substation, siting of sprinkler tank, air source heat pump and bin store enclosures, formation of outdoor sports pitch, parking areas, landscaping and associated works at Blairgowrie Recreation Centre, Beeches Road, Blairgowrie.**

**Resolved:**

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

**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.

## **Finishes**

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority.

The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

## **Landscaping and Biodiversity**

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

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

4. Prior to the commencement of development, the proposed provision of biodiversity enhancement measures for the site will be submitted for the written agreement of the Council as Planning Authority. Thereafter, they shall be implemented prior to the development being brought into use.

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

## **Archaeology**

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

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

Reason – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

#### **Amenity**

6. 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 all-weather pitch and recreation centre, including user noise, activity noise and plant equipment 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 neighbouring residential amenity in the area.

7. The hours of operation of the all-weather pitch and the external floodlighting shall be restricted to 0800 hours to 2200 hours daily. The use of the all-weather pitch may have to be curtailed at the beginning and end of this timeframe in order to comply with floodlighting restriction.

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

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

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

9. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.

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

10. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it

does not adversely affect the amenity of the neighbouring land.

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

### **Transport**

11. 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 pedestrian and traffic safety.

12. 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. Prior to the operation of the development, the TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason – To encourage sustainable means of travel by site users.

#### **Pitch Specification**

13. The new floodlit synthetic pitch (minimum dimensions 106 x 66m) will be designed and constructed by a recognised (e.g., SAPCA\* registered) specialist pitch contractor(s). Details of the contractor(s) and pitch specification shall be submitted for the written approval of the Planning Authority prior to the commencement of development.

\*SAPCA is The Sports and Play Construction Association ([www.sapca.org.uk](http://www.sapca.org.uk)).

Reason – To ensure appropriate replacement provision is provided.

#### **Drainage**

14. 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.

#### **Sustainability**

15. The recreation centre aims to achieve energy savings to a standard equivalent to Passivhaus. Prior to the occupation of the recreation centre building, a statement shall be submitted by the applicant/agent to confirm that

this high level of sustainable building design has been delivered.

Reason – To ensure the proposal complies with Policy 34.

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The findings and recommendations contained within the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
6. The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is

reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. 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).
8. 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.
9. 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.
10. 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.
11. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
12. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - i. Displayed in a prominent place at or in the vicinity of the site of the development
  - ii. Readily visible to the public
  - iii. Printed on durable material.
13. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in

section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

14. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the floodlighting of the sports pitch.

COUNCILLORS B BRAUN AND B LEISHMAN RETURNED TO THE CHAMBERS.

## **(2) Local Applications**

### **(i) 21/00755/FLL Formation of a cemetery, columbarium, car parking and track, landscaping and associated works at Witches Knowe Wood, Rait**

Ms C Morgan, objector to the application, via audioconference, and Mr A Threipland, applicant, addressed the Committee and answered members questions.

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

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

3. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.  
Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
4. All trees on site, other than those marked for felling on the approved plans, shall be retained.  
Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 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 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).
7. Prior to the commencement of the development hereby approved, a plan indicating provision of bird nesting boxes, bricks or tubes shall be submitted along with the timings associated with their installation. Thereafter the approved scheme shall be implemented in line with the agreed timescales.  
Reason – In the interests of protecting environmental quality and of biodiversity.
8. Prior to the development hereby approved being completed or brought into use, the existing vehicular access onto the C401 shall be formed with Type B Road construction detail and shall continue into the entrance for

a distance of no less than 6 metres from the boundary of the public road surface.

Reason – In the interests of pedestrian and traffic safety.

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

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

10. Prior to the commencement of development, the scheduled area shall be appropriately marked out prior to and during site works, using markers placed out with the scheduled area, to prevent inadvertent damage to the scheduled monument.

Reason – In order to comply with the aims of the Scottish Planning Policy; to ensure any archaeological remains are appropriately protected.

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

Reason – To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

12. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved. Reason – To ensure existing water and drainage infrastructures are not compromised.

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. 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. 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. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout following Scottish Water feedback.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. An application for Building Warrant may be required.
11. The applicant should be advised that in terms of Section 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.
12. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

**(ii) 22/00803/FLL Change of use from dwellinghouse to holiday accommodation unit Tatha View 4 Braes of Taymouth, Kenmore, Aberfeldy PH15 2HQ**

Ms S Kirby, the applicant, was available via audio conference for members questions. There were no questions.

**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. The use hereby approved shall be limited to holiday accommodation to the satisfaction of the Council as Planning Authority. The owner of the property shall maintain an up-to-date register of the name of each occupier of the property, their length of stay and their main home address and shall make this information available at all reasonable times to the Planning Authority.

Reason – In order to clarify the terms of the permission; to control and restrict the use of the building.

3. The application be granted for a temporary period of two years.

Reason – To allow embedding of new licensing laws regarding Short Term Lets and in turn aid understanding of volumes of Short Term Lets and impact within the area.

4. Within two months of the date of this permission, a noise management plan indicating how noise attributable to occupants shall be managed and restricted as part of the development shall be submitted for the agreement of the Council as Planning Authority, in liaison with Environmental Health. Thereafter the management plan shall be implemented in complete accordance with the details as so agreed.

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

### **Justification**

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

### **Informatives**

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

obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. An application for Building Warrant may be required.

## **7. PROPOSAL OF APPLICATION NOTICES (PAN)**

**(i) 22/00013/PAN – Extension to Quarry, Balado, Kinross.**

Councillor Cuthbert requested due consideration be given to ground water, impacts upon private water supplies and to ensure conditions of previous applications in relation to this site are satisfied.

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

**(ii) 22/00015/PAN – Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works at land 90 metres south of 5 Broxden Avenue (E2), Broxden Avenue, Perth.**

Bailie McLaren requested that due consideration is given to traffic congestion, surface water, waste management and the core path link.

Councillor James requested consultation take place with Transport Scotland.

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

**(iii) 22/00016/PAN – Formation of a 32MW solar farm, 16MW battery energy storage system and associated works at Keithick Farms Ltd, Keithick, Blairgowrie.**

Members were advised that the applicant of this PAN has since withdrawn their application. However, as the PAN had been determined by Planning Officers, it must be presented to members for comment.

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

**(iv) 22/00017/PAN – Northern lateral extension to quarry with further excavation works, Collace Quarry, Collace.**

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