



Securing the future... • *Improving services*  
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building  
2 High Street  
Perth  
PH1 5PH

31/01/2024

Attached is a supplementary agenda for the hybrid meeting of the **Planning and Placemaking Committee** being held in **the Council Chamber** on **Wednesday, 07 February 2024** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Ian Massie (Convener)  
Councillor Grant Stewart (Vice-Convener)  
Councillor Keith Allan  
Councillor Bob Brawn  
Councillor Dave Cuthbert  
Councillor Ken Harvey  
Councillor David Illingworth  
Councillor Ian James  
Councillor Brian Leishman  
Bailie Claire McLaren  
Councillor Crawford Reid  
Councillor Richard Watters  
Bailie Mike Williamson



**Planning and Placemaking Committee**

**Wednesday, 07 February 2024**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 10 JANUARY 2024 FOR APPROVAL 5 - 72**  
(copy herewith)

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

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



## 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 10 January 2024 at 9:30am.

Present: Councillors I Massie, G Stewart, K Allan, H Anderson (Substituting for Councillor D Illingworth), B Brawn, D Cuthbert, K Harvey, I James, I MacPherson (Substituting for Councillor R Watters), Provost X McDade (Substituting for Councillor B Leishman), Bailie C McLaren, C Reid and Bailie M Williamson.

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

Apologies: Councillors D Illingworth, B Leishman and R Watters.

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

As members of the Tayside Contracts Joint Board, Councillor D Cuthbert and Bailie M Williamson declared a non-financial interest in Item 5(1)(i) - 22/02133/MWM.

### 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 13 December 2023 were approved.

### 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
22/02133/MWM	5(1)(i)
23/00144/AMM	5(1)(ii)
23/00145/AMM	5(1)(iii)
23/00146/AMM	5(1)(iv)
23/00592/IPM	5(1)(v)
23/01095/FLL	5(2)(ii)
23/01532/FLL	5(2)(iii)
23/01904/FLL	5(2)(iv)

COUNCILLOR D CUTHBERT AND BAILIE M WILLIAMSON LEFT THE MEETING AT THIS POINT.

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **22/02133/MWM – Northern lateral extension to quarry with further excavation works (for a temporary period), Collace Quarry, Collace, PH2 6JB (Report No. 24/5)**

Mr Panton introduced the report and provided an update, also circulated to members prior to the meeting, to amend the wording of Conditions 9 and 10, should the application be approved.

Mr T Lewis, Mr D McKay and Mr G Campopiano were present on behalf of the applicant and answered members questions.

#### **Resolved:**

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

#### **Conditions**

1. All extraction operations within the site shall be completed by 31 December 2052.  
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. Within one year of the termination of operations or the expiry of the term of approval specified in Condition 1, whichever is the earlier, all structures, plant and machinery associated with the quarry shall be removed in full from the site to the satisfaction of the Council as Planning Authority. Termination of operations shall be deemed to be on the cessation of 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.
3. The extraction operations 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.
4. All works for the progressive restoration and landscaping of the site shall be implemented in line with the hereby

- approved restoration and landscaping plans and the Restoration Liability Assessment (RAL) and RAL Review.  
Reason: In the interests of visual amenity.
5. All top soil and overburden removed in connection with the quarry extension shall be stored wholly within the working quarry boundary, to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of visual amenity and ensuring appropriate restoration of the quarry.
6. 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.
7. 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 the interests of residential amenity.
8. During the hours of 07:00 – 23:00, noise from quarry operations shall not exceed 45 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property.  
Reason: In the interests of residential amenity.
9. During the hours of 23:00 – 07:00, noise from operations including roadstone plant equipment shall not exceed 42 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property.  
Reason: In the interests of residential amenity.
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 calendar year.  
Reason: In the interests of residential amenity.
11. All mitigation measures incorporated within working methods as described within Section 9.1.3 of the Noise Impact Assessment (NIA) shall be adhered to. The NIA was undertaken by Vibrock Ltd, Reference R22.10906/3/RK, dated 9 November 2022.  
Reason: In the interests of residential amenity.
12. 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 the relevant condition 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 the relevant condition(s) a scheme of 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 the interests of residential amenity.

13. All recommendations within Section 11 of The Assessment of the Environmental Effects of Vibration, undertaken by Vibrock Ltd, Reference R22.10908/2/JH, dated 9 November 2022 shall be fully implemented to ensure a vibration limit of 6 mms-1 peak particle velocity for 95% of blasts can be met. In the event of a justified vibration 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 vibration assessment to verify compliance.

Reason: In the interests of residential amenity.

14. Prior to the commencement of development, a Dust Management Plan for the development shall be submitted to and agreed in writing by the Council as Planning Authority and Environmental Health, the DMP shall include monitoring and complaints procedures and dust control mitigation measures as outlined in Sections 3 & 7 of Air Quality Assessment Report No. R22.10907/2/JH dated 9 November 2022. The agreed scheme shall thereafter be implemented throughout the operations of the development.

Reason: In the interests of residential amenity.

15. Within six months of this decision notice, the developer shall provide for the written agreement of the Planning Authority, the following mitigation measures, as noted on Drawing 22/02133/08:

- Vehicle Activated Signs at either end of the village showing the drivers their speed
- Edge of Carriageway road markings
- '20mph' and 'SLOW' road markings along with roadside advance warning signage.

The agreed mitigation measures shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

16. The conclusions and recommended action points within the supporting Ecological Impact Assessment undertaken by ECOS Countryside Services LLP, dated 9 November 2022, 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 biodiversity.

### **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 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. 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 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.

6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant is 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.
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 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.

COUNCILLOR D CUTHBERT AND BAILIE M WILLIAMSON RETURNED TO THE MEETING AT THIS POINT.

Mr Panton introduced the reports in regard to Items 5(1)(ii), (iii) and (iv) and provided an update, also circulated to members prior to the meeting, in regard to Item 5(1)(iv) to incorporate additional informatives 15, 16 and 17, to tie in with 5(1)(ii) and (iii), should the application be approved.

Mr J Bruce, on behalf of Earn Community Council, addressed the Committee and answered Members' questions in relation to Items 5(1)(ii), 5(1)(iii) and 5(1)(iv).

- (ii) **23/00144/AMM - Erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM), land to the north of A912, Oudenarde, Bridge of Earn (Report No. 24/6)**

**Resolved:**

**Grant**, subject to the following terms, conditions 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.

### **Roads and Transport**

2. Prior to the occupation of any dwellinghouse, 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.

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 dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 10th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction) two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPi display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPi (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

6. Prior to the commencement of the development hereby approved, the developer shall submit for the written

agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:

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

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA

Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland. The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

8. 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: To promote sustainable transport options and to meet advice within PAN 75 Planning for Transport.

9. No obstruction of any kind shall be placed, including fencing or vegetation, within adoptable service strips.

Reason: In the interests of the ability to maintain services.

#### **Landscape/Open Space**

10. Prior to the commencement of the development hereby approved, an updated 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; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

11. 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 adopted Development Plan.

### **Biodiversity**

12. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location as shown in the Tree Protection Fencing Plan, approved under planning reference 21/00615/AMM, drawing number 30, must be installed prior to the commencement of development. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks.

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

13. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by 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. 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.

15. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the Council as Planning Authority.

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

16. Bat and bird nesting boxes shall be installed in accordance with the approved detail, shown on drawing number 10 of 23/00144/AMM, prior to the occupation of the relevant residential unit.

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. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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 all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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).

#### **Drainage**

19. 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.

### **Low Carbon**

20. The Sustainability Design Statement hereby approved (document 22 relates), shall be implemented in full prior to the occupation of each dwellinghouse, to the satisfaction of the Council as Planning Authority.  
Reason: In the interest of protecting the environment and sustainability.

### **Justification**

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

### **Informatives**

1. Applicants are advised that the development granted under this Approval of Matters Specified in Conditions must be commenced not later than 25 years from the date on which Planning Permission in Principle (02/01482/IPM) was granted which was in this case 8 September 2016.
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 developer is advised to contact Perth and Kinross Heritage Trust (tel 01738 477027), to discuss terms of reference for work required.
6. 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 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 Environmental Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
7. 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.
  8. 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.
  9. 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 NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
  10. 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.  
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. No work shall be commenced until an application for building warrant has been submitted and approved.
  12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.

13. 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 (or four months in the case of a major application) to consider the information. 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.
14. 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.
15. 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.
16. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas, including the access road onto the A912, and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.
17. Refuse collection vehicle will only enter the site during development where there is clear access, adequate turning and a suitable road surface with no raised ironworks. This means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer must contact the Community Waste Team to discuss bin collection as the site progresses. Perth and Kinross Council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team - [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk).

- (iii) **23/00145/AMM - Erection of 20 dwellinghouses, 4 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM), land to the north of A912, Oudenarde, Bridge of Earn (Report No. 24/7)**

**Resolved:**

**Grant**, subject to the following terms, conditions 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.

**Roads and Transport**

2. Prior to the occupation of any dwellinghouse, 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.

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 dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 10th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction) two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses

onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

6. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - (i) details of information signs to inform other road users of construction traffic;
  - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
  - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - (m) the provision and installation of traffic counters at the developer'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 protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland. The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

8. 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: To promote sustainable transport options and to meet advice within PAN 75 Planning for Transport.

9. No obstruction of any kind shall be placed, including fencing or vegetation, within adoptable service strips.

Reason: In the interests of maintaining services.

#### **Landscape/Open Space**

10. Prior to the commencement of the development hereby approved, an updated 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; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

11. 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 adopted Development Plan.

#### **Biodiversity**

12. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location as shown in the Tree Protection Fencing Plan, approved under planning reference 21/00615/AMM, drawing number 30, must be installed prior to the commencement of development. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks. Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

13. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by 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. 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.

15. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the Council as Planning Authority.

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

16. Bat and bird nesting boxes shall be installed in accordance with the approved detail, shown on drawing number 11 of 23/00145/AMM, prior to the occupation of the relevant residential unit.

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. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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 all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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).

#### **Drainage**

19. 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.

### **Low Carbon**

20. The Sustainability Design Statement hereby approved (document 23 relates), shall be implemented in full prior to the occupation of each dwellinghouse, to the satisfaction of the Council as Planning Authority.

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

### **Justification**

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

### **Informatives**

1. Applicants are advised that the development granted under this Approval of Matters Specified in Conditions must be commenced not later than 25 years from the date on which Planning Permission in Principle (02/01482/IPM) was granted which was in this case 8th September 2016.
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 developer is advised to contact Perth and Kinross Heritage Trust (tel 01738 477027), to discuss terms of reference for work required.
  6. 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, 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.
  7. 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.
  8. 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.
  9. 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 NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
  10. 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. 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. No work shall be commenced until an application for building warrant has been submitted and approved.

12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
13. 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 (or four months in the case of a major application) to consider the information. 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.
14. 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.
15. 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.
16. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas, including the access road onto the A912, and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.
17. Refuse collection vehicle will only enter the site during development where there is clear access, adequate turning and a suitable road surface with no raised ironworks. This means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer

must contact the Community Waste Team to discuss bin collection as the site progresses.

Perth and Kinross Council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team - [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk).

- (iv) **23/00146/AMM - Erection of 17 dwellinghouses, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/01482/IPM), land to the north of A912, Oudenarde, Bridge of Earn (Report No. 24/8)**

**Resolved:**

**Grant**, subject to the following terms, conditions 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.

**Roads and Transport**

2. Prior to the occupation of any dwellinghouse, 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.

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 dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 10th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction) two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be

included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

6. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - (i) details of information signs to inform other road users of construction traffic;
  - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - (k) co-ordination with other significant developments known to use roads affected by construction traffic;

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the developer '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 protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland. The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

8. 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: To promote sustainable transport options and to meet advice within PAN 75 Planning for Transport.

9. No obstruction of any kind shall be placed, including fencing or vegetation, within adoptable service strips.

Reason: In the interests of maintaining services.

**Landscape/Open Space**

10. Prior to the commencement of the development hereby approved, an updated 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; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

11. 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 adopted Development Plan.

#### **Biodiversity**

12. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location as shown in the Tree Protection Fencing Plan, approved under planning reference 21/00615/AMM, drawing number 30, must be installed prior to the commencement of development. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks. Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.
13. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by 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. 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.

15. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the Council as Planning Authority.

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

16. Bat and bird nesting boxes shall be installed in accordance with the approved detail, shown on drawing number 10 of 23/00146/AMM, prior to the occupation of the relevant residential unit.

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. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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 all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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).

### **Drainage**

19. 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.

### **Low Carbon**

20. The Sustainability Design Statement hereby approved (document 22 relates), shall be implemented in full prior to the occupation of each dwellinghouse, to the satisfaction of the Council as Planning Authority.

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

### **Justification**

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

### **Informatives**

1. Applicants are advised that the development granted under this Approval of Matters Specified in Conditions must be commenced not later than 25 years from the date on which Planning Permission in Principle (02/01482/IPM) was granted which was in this case 8 September 2016.
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 developer is advised to contact Perth and Kinross Heritage Trust (tel 01738 477027), to discuss terms of reference for work required.
  6. 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 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.
  7. 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.
  8. 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.
  9. 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 NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
  10. 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.

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. No work shall be commenced until an application for building warrant has been submitted and approved.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
13. 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 (or four months in the case of a major application) to consider the information. 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.
14. 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.
15. 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.
16. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas, including the access road onto the A912, and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.
17. Refuse collection vehicle will only enter the site during development where there is clear access, adequate turning and a suitable road surface with no raised

ironworks. This means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer must contact the Community Waste Team to discuss bin collection as the site progresses.

Perth and Kinross Council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team - [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk).

FOLLOWING A 5 MINUTE RECESS, THE COMMITTEE RECONVENED.

(v) **23/00592/IPM - Residential development with associated access road, landscaping, SUDS and associated works (MU27) (in principle), land 170 metres south west of 8 Tayview, Luncarty (Report No. 24/9)**

Mr Smith introduced the report and provided an update, also circulated to members prior to the meeting, (1) to amend the wording of Paragraphs 34 and 97 of Report 24/9; (2) to amend the wording of Conditions 3 and 13, should the application be approved; (3) to include three additional conditions, should the application be approved; and (4) to remove Condition 21.

Mr M Myles, agent on behalf of the applicant, was available to answer members questions.

**Resolved:**

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

**Conditions**

**General**

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: 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.

2. 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, commensurate with the phasing plan agreed as part of the wider MU27 allocation
  - (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.

3. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 2(i), a phasing strategy for the overall allocation (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 20 and include and demonstrate the following details:

- (i) The timing and number of dwellings to be developed in this phase shall not exceed 110 dwellinghouses/units, and how their delivery relates to the development of housing numbers associated to the overall MU27 allocation;
- (ii) The timing of delivery of infrastructure (including roads/footways and other access requirements associated to the overall MU27 allocation), open space and landscaping.

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

#### **Public Access**

- 4. Any existing right of way or core path within or adjacent to the proposed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

- 5. Prior to the commencement of development, a revised Masterplan Strategy Layout shall be submitted to and approved by Perth and Kinross as Planning Authority, showing a link to the non-core path at the cul de sac 25-35 Hatton Road which would improve connectivity and provide a key linkage to nursery and the primary school, and also to include more east west linkages from the developable area to the river core path (LUNC/2).

Reason: To ensure that this applicant's masterplan strategy is fully in line with the masterplan strategy for application 17/00847/IPM, in accordance with LDP2 allocation MU27.

#### **Soils**

- 6. Prior to works commencing on site, a soil re-use and management plan shall be submitted to and approved in writing by Perth and Kinross Council as Planning Authority, this Plan will include details of the storage of all soils and their appropriate re-use in future phases.

Reason: To protect soils from damage such as erosion or compaction, in accordance with LDP2 Policy 51: Soils and NPF4 Policy 5.

#### **Archaeology**

- 7. 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.

### **Residential Amenity**

8. 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.

9. 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.

10. 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.

### **Rail Safety**

11. 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.

12. 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.

### **Trees and Biodiversity**

13. 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 2 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).
14. The conclusions and recommended action points within the hereby approved supporting Environmental Impact Assessment (EIA) 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.
15. 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).
16. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be 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.
17. 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 PAN 75 Planning for Transport.

18. 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.

19. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall include all trees and structures within and around the application site and shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

#### **Roads and Access**

20. The maximum number of dwellings permitted via this application to be occupied by 2029 is 59 dwellings. Furthermore, no more than 88 dwellings, 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 across the wider MU27 site 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
21. 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.
22. 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.
23. An updated District Heating Feasibility Study for the whole site shall be submitted to, and for the written 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.
24. 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.

25. 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.

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

#### **Drainage and Flooding**

26. As part of an 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.

#### **Contributions**

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 works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify.

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

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

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

31. Prior to works commencing on site, a Species Protection Plan (SPP) for freshwater pearl mussels shall be submitted to, and for the written approval of, Perth and Kinross Council, as Planning Authority, in consultation with NatureScot, and fully implemented thereafter.

Reason: In the interest of protected species and to address impacts from any outfall to the mussel population of the river Tay, and in accordance with the Wildlife and Countryside Act 1981 (as amended).

32. The findings and recommendations with regards to the species protection plan for otters, contained with the Ecological Impact Assessment Report (EiAR) hereby approved (document 15 relates), shall be implemented in full, 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).

### **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**

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 out with 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.

(vi) **23/00610/AMM - Erection of 60 dwellinghouses and 34 garages, formation of SUDS basin, a service/access road, parking areas, landscaping and associated infrastructure (Phases 4 to 6) (approval of matters specified in conditions 16/01595/IPM), former Glenisla Golf Course, Alyth (Report No. 24/10)**

Mr Smith introduced the report and provided an update, also circulated to members prior to the meeting, to amend the wording of Conditions 3, 7, 9, 11, 20 and 21, should the application be approved.

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery strategy for the proposed land use, open space and roads infrastructure and drainage across the entire application site has been submitted to and approved in writing by the Council as Planning Authority.  
Reason: In order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions'.
3. Prior to the commencement of development hereby approved an updated Air Quality Assessment (AQA) shall be submitted to, and approved in writing by the Planning Authority. The assessment shall include the cumulative effects of any prior phase emissions and the approved energy centre. Any recommendations or mitigations contained within the subsequent approved AQA shall therefore be implemented in full.  
Reason: In the interests of residential amenity.
4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours

daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

6. 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 to 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.

7. Prior to the commencement of the development hereby approved, protective fencing shall be erected around SM1575 (Pitcrocknie Stone) incorporating an appropriate buffer, insofar as the land lies within the control of the applicant and/or developer, in a manner and for a time period to be agreed in writing in advance with the Planning Authority. No works shall take place within the area inside that fencing without prior written agreement of the Planning Authority.

Reason: To ensure the preservation of the historic environment.

8. Any trees and hedgerows shown to be retained, or proposed, shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).

No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as 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.

9. 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.

10. 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 Council as Planning Authority, in advance of works during the restricted period.

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).

11. The conclusions and recommended action points within the supporting Ecological Appraisal (IMTeco Ltd and dated October 2023) submitted and hereby approved (document 74 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).

12. All water- crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200 -year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA, prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. Development shall not commence until a detailed Construction Method Statement (CMS) has been

submitted to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, and a Dust Management Plan.
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound
- (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

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

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

14. 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 and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:
- (a) details of any new construction compound.
  - (b) 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 and to protect the amenity of the area.

15. Prior to the commencement of development details of the required shuttle vehicle service (type and frequency) to link with Alyth Village shall be submitted to Perth and Kinross Council, as Planning Authority for prior written approval. The shuttle vehicle shall have no less than 8 passenger seats. Thereafter, that approved shuttle service shall be in place and operational concurrent with the earlier of (i) the date that the first resident of the care home takes entry to the care/nursing home within the Development; and (ii) the date of occupation of the fifth dwellinghouse hereby approved. The shuttle vehicle service shall thereafter be reviewed prior to commencement of development of each subsequent phase of the Development and details of such reviews of the shuttle vehicle service submitted to the Council for approval.

Reason: To ensure public transport connectivity with the proposed development and Alyth Village.

16. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

17. 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 to and agreed in writing by the Council in consultation with Transport Planning. 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: To promote sustainable transport options and to meet advice within Planning Policy on transport.

18. Prior to the commencement of the development hereby approved, a detailed design showing the layout and specification for a link to and the upgrade of Losset Road core path, along with proposed lighting and drainage, from and within the development site to the currently adopted public road network shall be submitted to, and approved in writing by, the Council as Planning Authority. The upgraded core path, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the occupation of the first dwellinghouse.

Reason: In the interests of road, pedestrian safety, and connectivity with Alyth.

19. During construction, the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

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

20. Prior to the commencement of development, a detailed planting scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. This should include details of the phasing of delivery to ensure appropriate provision of landscaping as the development progresses, with the scheme fully delivered by the occupation of the last hereby approved house.

Thereafter, the approved scheme shall be implemented in full. Any planting which, within a period of 5 years from the completion of the development is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally approved/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.

21. Prior to the commencement of the development hereby approved, a detailed plan indicating location, quantity, specification, and maintenance requirements for biodiversity enhancement measures including bat boxes/bricks, swift boxes/bricks, provision of hedgehog highways and wildlife kerbs and native tree and/or hedgerow planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be implemented in line with the approved details and thereafter maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of protecting environmental quality and of biodiversity.

### **Justification**

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

### **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. According to Regulation 41 the notice must be:
    - a. Displayed in a prominent place at or in the vicinity of the site of the development.
    - b. Readily visible to the public.
    - c. Printed on durable material.
  5. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
  6. 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.
  7. 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 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).
  8. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at :  
<https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
  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 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.
  11. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the

development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.

12. For future development phases of the masterplan and In Principle approval, no Structures within Phase 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height
13. 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.
14. The applicant should be aware that a further legal procedure is required if it is proposed to alter the route of an existing core path.

## **(2) Local Applications**

### **(i) 23/00826/FLL - Erection of dwellinghouse and garage and associated works, land 25 metres west of Duncrievie House, Duncrievie, Glenfarg, Perth (Report No. 24/11)**

Mr Williamson introduced the report and provided an update, also circulated to members prior to the meeting, to amend the wording of Conditions 6 and 14 and include an additional Informative 10, should the application be approved.

#### **Motion (Councillors D Cuthbert and B Brawn)**

Refuse, as the application is contrary to NPF4 Policy 17A Rural Homes, Perth and Kinross Local Development Plan 2 (2019) Policies 1A, 1B(c) Placemaking and Policy 19 Housing in the Countryside and associated Housing in the Countryside Supplementary Guidance 2020, as the scale and mass of the proposed dwellinghouse does not have a good fit with the landscape character of the area and does not integrate into or enhance the surrounding environment, particularly in relation to Duncrievie House.

#### **Amendment (Councillor I James and Bailie M Williamson)**

**Grant**, subject to the following terms, conditions 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 conclusions and recommended action points within the supporting tree survey submitted and hereby approved (document) 19 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.
4. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.
5. Prior to the commencement of any works on site a Method Statement for work within any of the Root Protection Areas (RPAs) of the existing trees shall be submitted for the agreement of the Planning Authority. Work within the RPAs shall be undertaken in accordance with the agreed Method Statement.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
6. Prior to the occupation of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The plan should include measures to enhance biodiversity and be based on need identified in site specific surveys, surrounding habitats and landscape character, and follow ecologist recommendations. The landscape management and maintenance plan as agreed shall, shall be fully implemented to the satisfaction of the Council as Planning Authority.
7. The area identified as Communal Landscaping to the southeast of the new house shall be retained as agricultural land and is not approved as communal landscaping or domestic garden ground. A revised plan



showing the landscaped areas shall be submitted and agreed in association with Condition 6.

8. Prior to commencement of works, a street lighting design for extending the current street lighting system on the U67 Calfford Brae to cover the vehicle access into the development site at Duncrievie House must be approved by Perth & Kinross Council's Street Lighting Partnership. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority. The street lighting shall be installed prior to use of the vehicle access into the development site at Duncrievie House.

Reason: In the interests of road safety

9. 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) taking cognisance of the concerns raised about the U67 Calfford Brae, which shall include the following:

- restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- 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;
- arrangements to ensure that access for emergency service vehicles are not impeded; and
- 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.

10. Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.

11. Development shall not commence on site until details of foul and surface water drainage systems have been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The surface water drainage 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 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.

12. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 15 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).

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

14. An updated ecological survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council. Thereafter, the approved survey shall be fully adhered to, respected and undertaken as part of the construction phase of the development, to the satisfaction of the Council as Planning Authority

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

15. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 3A and 3B of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved. For the avoidance of doubt the areas identified as communal landscaping on plan 15 are not considered to be curtilage of the dwellinghouse and do not benefit from householder permitted development.

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.

16. Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted to and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019).

### **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**

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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.

### **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. Please use the form attached herewith.
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. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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.

5. The location of the foul drainage infrastructure should be in a suitable location for emptying and be located within 25 metres of the private vehicle access to be in line with Building Standards. A private wastewater treatment plant and septic tank should be provided with an access for desludging. The desludging tanker should be provided with access to a working area that:
  - will provide a clear route for the suction hose from the tanker to the tank, and
  - is not more than 25m from the tank where it is not more than 4m higher than the invert level of the tank, and
  - is sufficient to support a vehicle axle load of 14 tonnes.
6. The applicant is advised to contact the Street Lighting Partnership to obtain the locations of plant. Contact Perth & Kinross Council Street Lighting Department for further details.
7. The applicant should ensure they familiarise themselves with the legislative requirements under the Controlled Activities Regulations. More detail on this is provided in section 2 of SEPA's Standing Advice document which is online at [sepa-triage-framework-and-standing-advice.pdf](#)
8. 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.
9. The developer is advised that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats.

10. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

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

6 members voted for the Motion as follows:  
Councillors K Allan, B Brawn, D Cuthbert, K Harvey, Provost X McDade and Bailie C McLaren.

7 members voted for the Amendment as follows:  
Councillors H Anderson, I James, I MacPherson, I Massie, G Stewart, C Reid and Bailie M Williamson.

**Resolved:**

In accordance with the Amendment.

THE COMMITTEE TOOK A 50 MINUTE RECESS FOR LUNCH AND RECONVENED AT 12.30PM.

DUE TO TECHNICAL ISSUES PROVOST X MCDADE WAS UNABLE TO JOIN THE MEETING UNTIL THE FOLLOWING APPLICATION WAS ALREADY UNDERWAY AND WAS UNABLE TO TAKE PART IN ANY DECISION.

- (ii) **23/01095/FLL - Erection of a dwellinghouse, Land 20 metres North of the Orchard Lochty, Almondbank (Report No. 24/12)**

Mr Williamson introduced the report and provided an update, also circulated to members prior to the meeting, to amend the wording of Conditions 5 and 7, should the application be approved.

Mrs H de Vere and Mr C de Vere, both objectors to the application, followed by Mr A Megginson, via telephone, agent on behalf of the applicant, addressed the Committee and answered Members questions.

**Motion (Councillors I James and D Cuthbert)**

**Refuse**, as the application is contrary to  
(1) Perth and Kinross Local Development Plan 2 (2019) Policies 1A and 1B(c): Placemaking due to the scale and massing of the proposal failing to respect the surrounding environment; and  
(2) NPF4 Policy 16(g)(ii): Quality Homes and Perth and Kinross Local Development Plan 2 (2019) Policy 17: Residential Areas as the proposal will overshadow the garden and the house, Ellengowan, adversely impacting on residential amenity.

Amendment (Baillie M Williamson and Councillor I Massie)

Grant, subject to the following terms, conditions and informatives as contained in Report 24/12 with suggested amendments.

In terms of Standing Order 21.5 a roll call vote was taken. Having not been present for the full duration of the item, Provost X McDade did not take part in the vote.

9 members voted for the Motion as follows:  
Councillors K Allan, H Anderson, B Brawn, D Cuthbert, K Harvey, I James, I MacPherson, Bailie C McLaren and C Reid.

3 members voted for the Amendment as follows:  
Councillors I Massie, G Stewart, and Bailie M Williamson.

**Resolved:**

In accordance with the Motion.

(iii) **23/01532/FLL - Alterations and extension to dwellinghouse and erection of garage with ancillary accommodation unit, Gateside Farm, Meikleour, Perth, PH2 6EN (Report No. 24/13)**

Mr S Morocco, objector to the application, followed by Mr I MacGregor, agent on behalf of the applicant, and Mr D Grant, applicant, addressed the Committee and answered Members questions.

**Motion (Councillors I Massie and Bailie M Williamson)**

**Grant**, subject to the following terms, conditions 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 conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 26 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).

4. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

5. Within 1 month of the extension to the dwellinghouse hereby approved being completed or brought into use, the static caravan and shipping container currently sited to the east of the dwellinghouse shall be removed from the site.

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

6. Within 3 months of the extension to the dwellinghouse hereby approved being completed or brought into use, the existing extension on the south elevation of the dwellinghouse shall be removed and any damage to the stonework on the south elevation of the dwellinghouse shall be repaired to match the existing adjacent stonework.

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

7. The garage and ancillary accommodation unit hereby approved shall be used solely in conjunction with the main dwellinghouse, shall not be let or occupied separately at any time and shall be retained within the same planning unit as the main dwellinghouse.

Reason: In order to control and restrict the use of the building.

8. No additional windows, doors or openings, whether or not permitted by virtue of Schedule 1, Part 1, Class 3A of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be formed in the garage and ancillary accommodation unit hereby approved.

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. Please use the form attached herewith.
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. Please use the form attached herewith.
3. 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 design of the south elevation of the extension.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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 NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
6. 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. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

### **Amendment (Councillors I James and B Brawn)**

Refuse, as the application is contrary to NPF4 Policy 14(b): Liveable Places, Sustainable and 16(g)(ii); Quality Homes and Perth and Kinross Local Development Plan 2 (2019) Policy 1A:



Placemaking as the proposal would adversely impact on the neighbouring eco property, Hog House, due to the shadow cast.

In terms of Standing Order 21.5 a roll call vote was taken. As Councillor K Harvey had lost connection, he did not take part in the vote.

8 members voted for the Motion as follows:  
Councillors K Allan, H Anderson, D Cuthbert, I MacPherson, I Massie, Provost X McDade, G Stewart, and Bailie M Williamson.

4 members voted for the Amendment as follows:  
Councillors B Brawn, I James, Bailie C McLaren and C Reid.

**Resolved:**  
In accordance with the Motion.

FOLLOWING A 5 MINUTE RECESS THE COMMITTEE RECONVENED.

- (iv) **23/01094/FLL - Change of use, alterations and extension to agricultural steading to form 7 dwellinghouses, erection of a dwellinghouse and associated ancillary outbuildings, formation of access road, parking areas and associated works, Kinvaid Farm, Moneydie, Perth, PH1 3HZ (Report No. 24/14)**

Mr Williamson introduced the report and proposed changes to recommended conditions.

Mr Thomson, applicant, and Mr Caird and Mr Sturrock, agents on behalf of the applicant, were available and answered members questions.

**Resolved:**  
**Grant**, subject to the following terms, conditions 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 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 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. For the avoidance of doubt, this shall include details of any retaining structures and screening between dwellinghouses. The scheme as agreed shall be implemented prior to the occupation of each respective dwellinghouse.

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

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the occupation of each respective dwellinghouse.

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

5. Prior to occupation of the first unit, bus boarders will be constructed on both sides of the C408 public road network as shown in Drawing Number 18, for the proposed development in accordance with Perth & Kinross Council's Road Development Guide, Rural Bus Boarder. Dropped kerbs will be provided on both sides of the road. The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority.

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

6. Prior to the commencement of the development hereby approved, full visibility splays of 120 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level as shown in Drawing Number 19. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: In the interests of road safety; to enable drivers of vehicles using the access to have a clear view of other road users.

7. No development in connection with the permission hereby granted shall commence unless the vehicular access has been provided and surfaced in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radii, of

Type B Road construction detail. The Type B Road construction detail shall continue to the entrance of the development for a minimum distance of 5 metres.

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

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

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

9. 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.

10. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices.

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

11. Prior to the commencement of the development hereby approved, full details of the works to the listed building hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority. The works as agreed shall be implemented as part of the development.

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

12. Prior to the commencement of the development hereby approved, details of the foul water drainage system, including packaged treatment plant and foul water soakaway shall be submitted to and agreed in writing by the Council as Planning Authority. The details as agreed shall be implemented prior to the occupation of the first dwellinghouse.

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

13. Prior to the commencement of the development hereby approved, a detailed landscaping, planting and biodiversity enhancement 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 planting 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.

14. The conclusions and recommended action points within the supporting ecological survey reports submitted and hereby approved (document 26, 42 and 69 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.

15. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

16. Prior to the occupation of the first dwellinghouse, a replacement nest site for barn owl shall be provided in accordance with published guidance. Thereafter, the agreed scheme shall be maintained in a reasonable

condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

17. There has been a Phase 1 & 2 Report (Millard, Oct 2020) submitted with the application. The investigation has identified contamination which requires remediation to make the site suitable for the proposed use. Prior to the commencement of works on site, further assessment should be undertaken and submitted to the Council as Planning Authority for consideration and approval in writing and this should 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 occupation of the first dwellinghouse, the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority for approval in writing.

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

18. No development shall be undertaken unless a detailed phasing programme outlining the delivery of buildings (including for the conversion of the retained listed building in early phases), and associated infrastructure across the entire application site has been submitted to and approved in writing by the Council as Planning Authority. No development shall subsequently occur other than in full accordance with any phasing programme thereby approved.

Reason: In order to ensure that development is progressively accompanied by the conversion of the listed building at the earliest opportunity to ensure its preservation, to provide appropriate associated infrastructure, and in the interests of the visual amenity of the area.

19. Prior to the commencement of any works on site, 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
20. 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.
- 21 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.

### **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. 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 is approval of your application Ref no 23/01094/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 23/01093/LBC. You should therefore not commence work until you have received Listed Building Consent.

Carrying out alterations without Listed Building Consent is an offence.

4. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
5. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. 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.
7. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full. 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

8. 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.
9. 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.

## 6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **23/00018/PAN - Development of wind farm compromising installation of 8 turbines (up to 48 MW), formation of access road with passing places, ancillary development including crane hard standings at turbine bases, substation, storage compound, formation of a temporary construction compound, laydown area and associated works, Land 1.5km North East of Earnieside Farmhouse, Dunning Glen, Dollar (Report No. 24/15)**

Councillor D Cuthbert requested due consideration be given to the cumulative impact of similar developments and visual impacts. Councillor Cuthbert also requested that consultation with Fossoway Community Council is considered with regard to a potential funding donation to the local community.

Bailie M Williamson requested due consideration be given to a traffic management plan, particularly in relation to timings of construction, light pollution from the site, and the impacts on wildlife.

Councillor I James requested due consideration be given to the visual impact of the development.

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.