

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 7 February 2024 at 9.30am.

Present: Councillors I Massie, G Stewart, K Allan, B Brawn, D Cuthbert, K Harvey, D Illingworth, I James, Bailie C McLaren, B Leishman, C Reid, R Watters and Bailie M Williamson.

In Attendance: L MacLean, S Panton, L Reid, K Smith and P Williamson (all Economy, Place and Learning); A Brown, G Fogg, J Guild and M Pasternak (all Strategy, People and Resources).

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 10 January 2024 were approved.

4. DEPUTATIONS

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

Planning Application No.	Item No.
23/01218/FLM	5(1)(i)
23/01038/FLL	5(2)(i)
23/01798/FLL	5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **23/01218/FLM - Erection of 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works, former Hillside Hospital, Dundee Road, Perth (Report No. 24/47)**

Ms R Letby and Ms A Laughland, both objectors to the application, followed by Mr C Main, via telephone, agent on

behalf of the applicant, addressed the Committee and answered Members questions.

Resolved:

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

Conditions

General

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. 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.

Construction Hours

3. 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.
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality during the construction period.

Drainage and Flooding

4. Development shall not commence on site until the detailed sustainable urban drainage system (SUDS) design has been finalised as per the comments provided by AECOM in '2301218FLM_Response_P03' (plus any future revisions) for submission to and further 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. Thereafter, 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.

Design / Materials

5. Prior to the commencement of the development hereby approved, a sample of the external finishes shall be submitted to and agreed in writing by the Council as Planning Authority. The materials, as agreed, shall be

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

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

Natural Heritage / Biodiversity

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

7. The conclusions and recommended action points within the supporting PEAR (Doc 32) submitted and hereby approved; 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.

8. 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).

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

agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

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

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

11. Prior to the commencement of development, 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.

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

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

13. Prior to works commencing on site, an Arboricultural Method Statement (AMS) shall be submitted to, and for

the written approval of, the Planning Authority, and to confirm the details of the Construction Exclusion Zone, Tree Protection Plan and all measures proposed to avoid damage to those trees that are to be retained. The subsequently approved AMS shall be implemented prior to any works commencing on site.

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

Roads and Access

14. 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. The subsequently agreed GTP shall be implemented prior to the occupation of the first unit with all future residents being made aware of the document.

Reason: To encourage sustainable transport methods.

15. Prior to the commencement of development, the precise location and detailed specification of the proposed replacement bus stop and associated shelter shall be submitted for the approval of the Council as Planning Authority. The bus stop shelter shall be equipped with a power supply to enable the installation of real-time bus stop information, which must also be provided by the Developer. The scheme as approved shall be undertaken to the satisfaction of the Council as Planning Authority prior to the occupation of the first residential unit.

Reason: To encourage the use of public transportation.

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

Reason: In the interest of public access.

17. Prior to the commencement of development, a detailed scheme showing the priority junction onto the Dundee Road shall be submitted to the Council as Planning Authority for written agreement. Thereafter, the agreed scheme shall be implemented in full prior to any construction works commencing. For the avoidance of doubt, the agreed scheme for the adjacent care home development (22/00916/FLL) may be appropriate.

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

18. Prior to the development hereby approved being completed or brought into use, the first five metres of the

proposed access, measured from the edge of the existing adopted carriageway, shall see a gradient not to exceed 3%, with the remaining development internal carriageway gradients not exceeding 8%. The access shall be designed and constructed so that no surface water is discharged to the public road network.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

19. Prior to the commencement of development, precise details shall be submitted to the Council as Planning Authority of the stone boundary walls on Dundee Road and associated features such as steps and pedestrian access, both within the redline site and on land within the applicant's control. The submission in relation to this condition shall take full cognisance of the approved development 22/00916/FLL and the plan therein duly docqueted number 35 and prescribed Boundary Wall Proposal. All details to be submitted to and approved in writing by the Council as Planning Authority. The details shall include the retention and re-use of existing feature stonework, pedestrian access's as well as specification of any new stonework including samples as deemed appropriate and details of the coursing and mortar jointing. The details subsequently approved under this condition shall thereafter be implemented in full and prior to the occupation of any flat associated with the 72 flats approved by this permission.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to deliver safe access and egress from the development site for construction traffic and ongoing use as approved.

20. Prior to the commencement of development, a detailed design showing the path linkages for the following schemes shall be submitted for the written agreement of the Council as Planning Authority. The path linkages that should be shown on the plan are:

- a. Path from development to core path between Block 3 and Block 4;
- b. Path from development to core path between Block 4 and Block 5;
- c. Path from development to core path south of Block 5;
- d. Path to Dundee Road from the development; and,
- e. The rest areas proposed.

The submission will confirm the location, specification, gradient, detailed design and delivery timescales for the paths and rest areas. Thereafter, the subsequently agreed scheme shall be delivered in full accordance with the agreed delivery timescales.

Reason: In the interests of pedestrian safety and connectivity with the wider path network.

21. Prior to commencement of the development hereby approved, a detailed design for a further 4 residential cycle parking spaces and 9 visitor cycle parking spaces shall be submitted to the Council as Planning Authority for written approval. Thereafter, in addition to the 68 cycle parking spaces already proposed, the scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: To encourage active travel.

22. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented in a phased manner and thereafter maintained in a reasonable condition for the life of the development. The phasing of the parking arrangements shall be submitted to the Council as Planning Authority for written agreement prior to the commencement of works.

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

23. Prior to the commencement of works on site, detailed drawings showing waste and recycling bin presentation locations and strategy for presenting the bins at those locations, shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full for all blocks.

Reason: In the interests of road safety to prevent long reversing manoeuvres.

24. Prior to commencement of works, a street lighting design must be submitted to the Council as Planning Authority for written agreement. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of road safety.

25. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events.

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

Residential Amenity

26. The mitigation measures as described in Sections 5 of the Noise Impact Assessment dated 29 June 2023 (document 27), shall be undertaken to ensure a satisfactory level of residential amenity can be achieved.

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

Justification

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

Procedural Notes

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and 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 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 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.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

6. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
8. The applicant is advised that the detailed design of all SUDs shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. 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.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
13. The applicant is advised that refuse collection vehicles will only enter the site during construction phases where there is clear access and suitable turning; 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 specified (and agreed) collection point until full access is made available for refuse collection vehicles.
14. The applicant should make contact with the Community Waste Team to discuss bin collections as the site progresses and be prepared to provide temporary turning points for refuse collection vehicles if required. The road and pavement from any temporary bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard-standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

15. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, 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>.
16. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
17. 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 road gradient and drainage.
18. 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.

(2) Local Applications

(i) 23/01038/FLL - Erection of a dwellinghouse and garage, land 55 metres north east of Inn On The Tay, Grandtully, Pitlochry (Report No. 24/48)

Mr G Salisbury, agent on behalf of the applicant, addressed the Committee 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 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 garage hereby approved shall be used solely for purposes incidental to the domestic enjoyment of the dwellinghouse.

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

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

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

5. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with NatureScot and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
 - (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds.
 - (b) storage and disposal of materials including the siting of 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.

6. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 10. 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.

7. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, four swift boxes/bricks shall be provided on the development hereby approved. 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.

8. Prior to the commencement of the development hereby approved, the following shall be undertaken:
- i) a pre-site meeting with the applicant's arboriculturist and the Council's Enforcement Officer (Trees) shall be held to review the recommendations of the Tree Survey Report (Document 8) and any subsequent actions from the meeting will be agreed in writing by the Council as Planning Authority and carried out to the satisfaction of the Council as Planning Authority.
 - ii) full details of the tree protection measures shall be submitted for the written agreement of the Council as Planning Authority. All trees for retention shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.
 - iii) a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of boundary treatments, 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. Any planting which fails to become established within five years being replaced in the following planting season with others of a size and species

as previously approved to the satisfaction of the Council as Planning Authority.

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

9. Prior to the commencement of development a statement shall be submitted for approval in writing by the Council as Planning Authority to demonstrate 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. The statement as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

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 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. 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. 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.

4. 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.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>
6. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. 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.
8. 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.
9. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the material finish, the garage and boundary planting.
10. The findings and recommendations contained with the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to

deliberately harm, capture, kill or disturb a bat or its resting place.

(ii) 23/01798/FLL - Alterations and extension to core path, installation of signage and associated works, Murrayshall House Hotel, Murrayshall, Perth (Report No. 24/49)

Dr D Shackles, objector on behalf of Scone and District Community Council; Ms C Davies, objector on behalf of the British Horse Society; Mr and Mrs Hay, objectors; Mr J Andrews, objector on behalf of Ramblers Scotland; followed by Ms A Ewing, agent on behalf of the applicant, and Mr R Miller, landscape architect, addressed the Committee and answered Members questions.

Motion (Councillors I Massie and D Illingworth)

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 the development is carried out in accordance with the approved drawings and documents.
2. 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.
3. The tree protection measures outlined in the approved Arboricultural Method Statement (doc ref:07) shall be fully implemented on site for the duration of construction operations.
Reason: To ensure implementation of the tree protection measures outlined in the submitted Tree Survey.
4. The temporary diverted route for the core path and right of way to be provided during construction operations, as identified in document ref: 04, shall be strictly adhered to during construction operations and shall remain available for use until the permanent diverted core path route is open and available for use.
Reason: To ensure continued public access along the core path and right of way.
5. The hedge planting which is proposed at western end of the diverted core path/right of way route, running parallel to Murrayshall Road is not approved. An alternative lower level shrub planting boundary should be planted

here and details of this alternative planting shall be submitted to and subsequently approved in writing prior to the commencement of any development. This low level planting shall be maintained at this level at all times.

Reason: To ensure line of site between the core path/right of way and the driving range to limit the possibility of horses being spooked by golf balls being hit.

6. Prior to the commencement of any development a maintenance plan and regime for the path shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented for the lifetime of the development.

Reason: To ensure the diverted path remains available for use by all users.

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. The granting of planning permission does not alter the status of the existing core path SCON/7 and right of way 39/7. An order to stop up and divert the affected path under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the core path under the Land Reform (Scotland) Act 2003, may be required.

Amendment (Councillors I James and B Brawn)

Refuse, as the application is contrary to Perth and Kinross Local Development Plan 2 (2019) Policies 15: Public Access and 16: Social, Cultural and Community Facilities, due to the diversion of the core path, which is also a bridal way, bringing it into close proximity of the driving range and adversely impacting on the use of the bridal way by horses and riders.

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

7 members voted for the Motion as follows:

Councillors K Harvey, D Illingworth, I Massie, Bailie C McLaren, G Stewart, and Bailie M Williamson.

6 members voted for the Amendment as follows:

Councillors K Allan, B Brawn, D Cuthbert, I James, B Leishman and C Reid.

Resolved:

In accordance with the Motion.