

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 5 June 2024 at 9.30am.

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

In Attendance: D Littlejohn, Strategic Lead – Economy, Development and Planning, A Baxter, L MacLean, C Morilly, S Panton, L Reid and P Williamson (all Economy, Place and Learning); A Brown, S Dockerill, G Fogg and J Guild (all Strategy, People and Resources).

Apologies: Councillors B Leishman, I James and R Watters.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct:

- (i) Bailie A Bailey declared a non-financial interest in Item 5(2)(i).
- (ii) Bailie M Williamson declared a non-financial interest in Item 5(2)(ii).

3. MINUTES

The Minute of Meeting of Planning and Placemaking Committee of 8 May 2024 was submitted and approved as a correct record.

4. DEPUTATIONS

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

Planning Application No.	Item No.
23/01167/AMM	5(1)(i)
23/00960/FLL	5(2)(i)
23/01742/FLL	5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **23/01167/AMM – Erection of 209 dwellinghouses, formation of SUDS landscaping and associated works (approval of matters specified in conditions of 15/01237/IPM) (LDP Sire MU7), land 300 metres south west of Tighnacaille, Broich Road, Crieff (Report No. 24/166)**

Mr R Patrick, Ms S Carruthers, Mr E McLaughlan and Mr G Scotland, on behalf of the applicant, and Mr J McCallum, agent on behalf of the applicant, answered Members questions.

Resolved:

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

Conditions

1. The development hereby permitted shall be commenced no later than the expiration of three 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.

Reason - This is a Planning Permission in terms of Section 59 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 commencement of development on site, a detailed design showing the frontage of the development site onto Broich Road shall be submitted for the written approval of the Council as Planning Authority. The submission shall include the provision of the following:
 - a) a signalised toucan crossing on the B8062 Broich Road to link the development site to the northern side of Broich Road, confirming the extents of wall to be removed on the northern side of Broich Road;
 - b) the position of uncontrolled crossing location(s) along the frontage of the site to link the development site to the northern side of Broich Road;
 - c) the location of the bus stop and bus shelter to be located at the rear of the footway. The bus shelter shall be equipped with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and Real Time Passenger Information

- display, all of which must also be provided by the Developer, and associated road markings;
- d) the footway on the southern side of Broich Road, to be a minimum width of 2 metres along the full frontage of the site;
 - e) the carriageway widening of Broich Road to a minimum of 6 metres in width along the frontage of the development site, thereafter the road will taper back to the original width;
 - f) the location of road drainage on the B8062 Broich Road along the frontage of the site; and
 - g) the location of road signage.

The submission will confirm the location, specification, detailed design and delivery timescales for the pedestrian crossings, location of the bus stop, road widening, footway on southern side of Broich Road, road drainage and road signage along the frontage of the development site. The scheme for the approved shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse.

Reason - In the interests of road, pedestrian safety and connectivity with the developments to the northern side of Broich Road.

4. Prior to the commencement of the development hereby approved, a detailed design showing the vehicle link to the north-western boundary connecting to the wider approved PPP site shall be submitted and approved in writing by the Council as Planning Authority. The submission will include details of:
- a) The provision of the road and footways to the north-western boundary of the site;
 - b) The provision of the cyclepath link to connect into the wider approved PPP site; and
 - c) The submission will also confirm the specification of materials to be used.

Thereafter, the approved scheme shall be implemented in full prior to the completion of the 70th residential unit within phases 5-6 and to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

5. Prior to the commencement of the development hereby approved, a detailed design showing the following road details shall be submitted for the written approval of the Council as Planning Authority;
- a) step off facilities for visitor parking bays;
 - b) finalised road surfacing materials;
 - c) finalised footway and cyclepath surfacing materials;
 - d) traffic calming measures within the site; and
 - e) a phasing plan for delivery.

The roads, footways and cyclepath as approved in writing, shall be implemented in accordance with the

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

Reason - In the interests of pedestrian and traffic safety.

6. Prior to commencement of any development on site, the street lighting design must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership for the public road network. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation for both the public road network and the private areas, and timescales for delivery. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

7. Prior to the commencement of development, a phasing plan shall be submitted showing the locations of and timescales for delivery of wildlife kerbs. For the avoidance of doubt, all road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed. Thereafter, the kerbs shall be installed in accordance with the approved phasing plan.

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

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

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

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

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

Reason - In the interest of proper site management.

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

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

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

10. All recommendations and mitigation measures shall be implemented in accordance with Section 7, Appendix A, Figures 3 - 8 and Table 13 of the approved Noise Impact Assessment reference Broich Road, Crieff dated 11 July

2023 which was undertaken by KSG Acoustics to the satisfaction of the Planning Authority.

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

11. The recommendations and mitigation measures for the construction and operational stages of the development as stated in Section 6 of the Air Quality Mitigation Report' Broich Road AQ Mitigation Report, Persimmon Homes (North Scotland)' dated May 2023 which was undertaken by AECOM shall be implemented to the satisfaction of the Council as Planning Authority.

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

12. Prior to the commencement of the development hereby approved, protective fencing shall be erected around SM9135 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 Council as Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with PKHT.

Reason - To ensure the preservation of the historic environment.

13. The submitted Construction Environment Management Plan (CEMP) (Rev A) shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amended document shall be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

14. Concurrent with the initiation of the development hereby approved, and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

15. Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning

Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.
Reason - In the interests of sustainable transport.

16. All trees on site, other than those marked for felling on the approved plans, shall be retained. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) 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.

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

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

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

18. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) Biodiversity Enhancement Plan Revision B (May 2024) 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.

19. An updated ecology survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the ecology 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).

20. Prior to the commencement of development, a scheme shall be submitted for the written approval of the Planning Authority detailing safety measures surrounding the approved SUDS basin. For the avoidance of doubt, the measures should include either life saving equipment or suitable fencing. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the SUDS basin, whichever is the earlier. The scheme shall then be maintained in perpetuity for the life of the development.

Reason - In the interests of safety and to reduce the risk of drowning.

Justification

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

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. 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 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.
4. 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.
5. 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. 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.
6. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
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 (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. The developer should please note the following:
Refuse collection vehicles 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 collections as the site progresses.

10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. The applicant is advised to refer to Perth & Kinross Council's Flood Risk and Flood Risk Assessments Supplementary Guidance, and the CIRIA SuDS manual as it contains advice relevant to your development.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE A BAILEY LEFT THE MEETING AT THIS POINT.

(2) Local Application

- (i) 23/00960/FLL – Change of use of agricultural and land to business (class 4), general industry (class 5), storage and distribution (class 6)(in retrospect), land 250 metres south east of Isla Villa, Grange, Errol (Report No. 24/167)**

Mr S Farmer, applicant, answered Members questions.

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 the development is carried out in accordance with the approved drawings and documents.
2. The hours of operation shall be restricted to between 0700 hours and 1900 hours Monday to Friday and 0700 hours to 1700 hours on Saturdays only, with no operations permitted on Sundays.
Reason - In order to protect existing residential amenity.
3. Servicing of and deliveries to the premises shall be carried out between 0700 hours and 1900 hours Monday to Friday, and 0700 hours and 1700 hours on Saturdays only, with no servicing or deliveries permitted on Sundays.
Reason - In order to protect existing residential amenity.
4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all

windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to protect existing residential amenity.

5. The sound insulation and sound transmission properties of the structure and finishes shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the Council as Planning Authority.

Reason - In order to protect existing residential amenity.

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 order to protect existing residential amenity.

7. Noise from operations on site shall not exceed $L_{A90,1 \text{ hour}}$ background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics when measured at any residential property in accordance with BS4142:2014+A1:2019.

Reason - In order to protect existing residential amenity.

8. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant (approved in writing by the Council as Planning Authority) to carry out a noise assessment to verify compliance with conditions 4, 5 and 7 above. The assessment will be carried out to an appropriate methodology that has been approved in writing with the Council. If the noise assessment shows that the noise levels do not comply with conditions 4, 5 and 7 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 Council with 28 days of the assessment. The approved mitigation scheme shall thereafter be implemented in full and within the approved timescales.

Reason - In order to protect existing residential amenity.

9. All areas of outside storage use are temporary until 30 June 2029.

Reason - In order to reserve the right of the Council to consider the appropriateness of the use of areas for outside storage within a reasonable timeline.

10. Within 3 months from the date of the decision notice, a detailed scheme for the improvements of the vehicular access up to the 2nd bend from the public road, shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification, timing and long-term maintenance strategy, together with any necessary tree protection. Thereafter, the approved

details shall be implemented in full within the approved timeline.

Reason - In order to protect existing residential amenity.

11. Within 3 months from the date of the decision notice, 4 bat boxes and 4 bird nesting boxes shall be installed within the curtilage of the site. The boxes shall be installed as per the guidance and specifications of the Scottish Wildlife Trust, and after installation thereafter retained in a usable condition.

Reason - In order to provide a bio-diversity enhancement.

12. For the avoidance of doubt, the area adjacent to the access is not subject to any permission for outside storage use.

Reason - In order to clarify the terms of this planning permission.

13. Within 1 month of the date of the decision, a flood action plan for the entire site shall be submitted to and approved in writing by the Council as Planning Authority. The plan must include contingency measures for emergency vehicles to access the site during a flood event. The approved details shall thereafter be implemented in full at all times.

Reason - In the interests of safety and to minimise risk to life and property.

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.

THERE FOLLOWED A FIVE MINUTE RECESS AND COMMITTEE RECONVENED.

BAILIE A BAILEY RETURNED TO THE MEETING FOR THE REMAINING ITEMS OF BUSINESS.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM OF BUSINESS, BAILIE M WILLIAMSON LEFT THE MEETING AT THIS POINT.

- (ii) **23/01742/FLL – Erection of brewery, tap room, storage, formation of vehicle access, parking area, installation of EV charging point, formation of outdoor seating area, landscaping and associated works, land 50 metres south of Council Cottages, Ferry Road, Pitlochry (Report No. 24/168)**

Miss R McPhee, objector, followed by Mr J Low, on behalf of the applicant, addressed and Committee and answered Members questions.

COUNCILLOR D ILLINGWORTH LEFT THE MEETING AT THIS POINT.

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 conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) Ecological Appraisal by Tay Ecology 3 October 2023 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.
4. Prior to the occupation of the building hereby approved, evidence that the bird and bat boxes have been installed shall be submitted for the written approval of the Council as Planning Authority, reference drawing 52. Thereafter, the bird and bat boxes 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.

5. A site meeting will be held with the Enforcement Officer (Trees) of the Council to examine completed tree works, honey fungus mitigation, and to inspect tree protection measures in place that accord with standard (fencing/non dig construction, etc), drainage, and site storage facilities. This meeting shall be with the project manager, arboriculturalist, and ground works contractor. Contact should be made with the Planning Authority to arrange this meeting prior to the commencement of the development.

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

6. Prior to the commencement of development, a site-specific method statement outlining measures to mitigate against the spread of honey fungus shall be submitted to the Council as Planning Authority for review and written approval. The statement shall include details on the removal of affected trees (6 x dead oak), disposal of soil areas contaminated with honey fungus and provide full details of disposal of all excess materials. Clarity shall be provided on where the soil materials excavated will be deposited when levelling site, formation of building footprint, filtration trenches/drainage, and access/parking. Clarity shall be provided on how the drainage works will be undertaken, and whether larger encroaching roots would be permitted within the drainage material, and how the cutting into the banking will be undertaken, the foundation type for structures, and subbase for paths/surfacing, where they impact and encroach the RPA of adjacent trees. Thereafter the measures shall be carried out in complete accordance with the details as so agreed.

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

7. Prior to the building being brought into use a post development tree report/audit confirming details of the trees retained on site, their condition, and a statement as to the effectiveness of protection measures followed shall be submitted for review and written approval of the Council as Planning Authority.

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

8. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

9. The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2200 hours Monday to Sunday.

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

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

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

11. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

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

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

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

13. No odours from the distillery shall be discernible on the boundary with the nearest residential property.

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

14. All mitigation measures as detailed within Section 6 of the Odour Assessment undertaken by The Airshed, reference AS 1020 Pitlochry Brewery Airshed, dated 18 October 2023 shall be fully implemented.

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

15. All mitigation measures as detailed within Section 7 of the Noise Impact Assessment undertaken by CSP Acoustics, reference 1866 R001 V3 AH, dated 12 December 2023 shall be fully implemented.

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

16. Noise from operations on site shall not exceed L A90,1 hour background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics when measured at any residential property in accordance with BS4142:2014+A1:2019.

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

17. A Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise, deliveries, compressor etc and the measures that will be put in place to minimise and/or

control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

18. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 10, 15, 16 and 17 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 10, 15, 16 and 17 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 for written approval within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
- Reason - In order to safeguard the residential amenity of the area.

19. In the event of a justified odour complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out an odour assessment to verify compliance with conditions 13 and 14 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the odour assessment shows that the odour levels do not comply with conditions 13 and 14 a scheme of odour mitigation shall be included with the odour assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority for written approval within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
- Reason - In order to safeguard the residential amenity of the area.

20. The asserted right of way/core path on Ferry Road must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

21. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the

completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

22. Prior to the commencement of the development hereby approved, the applicant shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS). The TMS shall take cognisance of the fact that no loading and unloading of vehicles shall be undertaken on the public road and 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 for loading and unloading materials at the site;
- 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 all users including 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) traffic arrangements in the immediate vicinity of temporary construction compounds;
- l) monitoring, reporting and implementation arrangements;
- m) arrangements for dealing with non-compliance; and

n) 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.

23. Prior to the commencement of the development hereby approved, the developer shall provide, for approval by the Council as Roads Authority, a Service Management Plan detailing the plans for servicing and delivery operations, and timing, including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery, paying particular attention to the need for all deliveries to be undertaken off the public road.

Thereafter, the approved plan shall be adhered to for the life of the development.

Reason - In the interests of road safety.

24. Prior to commencement of any development on site, a detailed design showing the frontage of the development site onto Ferry Road shall be provided with the following schemes being provided:

- a) position of uncontrolled crossing location(s) along the frontage of the site to link the development site to the northern side of Ferry Road with dropped kerbs linking both sides;
- b) the footway on the southern side of Ferry Road, of a minimum width of 2 metres along the full frontage of the site;
- c) the location of road drainage on the Ferry Road along the frontage of the site;
- d) the finalised location of the streetlighting cable;
- e) the construction details of the parking bays and the service area; and
- f) full details of the vehicle access, to be constructed in the following materials:
40mm Wearing Course - Hot Rolled Asphalt
50mm Base Course - Dense Bitumen Macadam
130mm Roadbase - Dense Bitumen Macadam
230mm Subbase - Type 1

The submission will confirm the location, specification and detailed design for the pedestrian crossing, location of the streetlighting infrastructure, footway on southern side of Ferry Road, road drainage and vehicle access along the frontage of the development site. This shall be submitted for the written approval of the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full, prior to occupation of the brewery.

Reason - In the interests of road and pedestrian safety and connectivity to the northern side of Ferry Road.

25. Prior to commencement of any development on site, a detailed design for the proposed cycle parking facility for a minimum of 10 cycles shall be submitted to and approved in writing by the Planning Authority in

consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason - To encourage active and sustainable modes of transport in line with national and local planning policy.

26. Prior to the commencement of development hereby approved, 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. 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/>.
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. Please use the form attached herewith.
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. Please use the form attached herewith.
4. Please note the consultation response on file from Network Rail - A railway underbridge located in close proximity to the site (UB 290/063 crossing Ferry Road)

has a headroom of 4.2m. The applicant should ensure that all vehicles required for construction and operation are able to clear this height.

5. Please note the consultation response from Scottish Water on file - this includes a request that prior to work commencing on site they are notified at protectdwsources@scottishwater.co.uk as they may wish to take water samples as a precaution to protect water quality.
6. 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 front elevation and vehicular access.
7. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
8. 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.
9. 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.
10. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at 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.

11. 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>
12. Road drainage may be in the vicinity of the new access and require remedial works at the applicants expense. Contact Perth & Kinross Council Road Maintenance Department for further details.
13. Street lighting infrastructure present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of infrastructure and its relocation to facilitate the vehicle access. Relocation to be undertaken at applicant's expense. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
14. 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.

BAILIE M WILLIAMSON AND COUNCILLOR D ILLINGWORTH REJOINED THE MEETING FOR THE REMAINING ITEMS OF BUSINESS.

(iii) 23/01349/FLL – Part change of use and alterations to building to form 10 short-term let accommodation units 54-56 High Street, Kinross KY13 8AN (Report No. 24/169)

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

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

4. The windows serving the bedroom suites on the rear (west) elevation are not approved. Prior to the commencement of the development hereby approved, an amended rear elevation which replaces the windows with either high level windows; single aspect (angled) windows or alternatively privacy screens shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full, and the rear elevation shall remain unaltered thereafter.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

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. An application for Building Warrant may be required.
4. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>
5. 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.

- (iv) **23/01695/FLL – Erection of a dwellinghouse, land 15 metres east of Borrowdale, Blairadam, Keltybridge (Report No. 24/170)**

THERE FOLLOWED A FIVE MINUTE RECESS AND COMMITTEE RECONVENED.

Motion (Councillors D Cuthbert and B Brawn)

Refuse, as the proposal is contrary to Policies 1A and 1B(c): Placemaking, Policy 17: Residential Area and Policy 27A: Listed Buildings of Perth and Kinross Local Development Plan 2 (2019), due to the close proximity of the adjacent listed buildings and the prominence and setting of the proposed dwelling within the village.

Amendment (Baillies A Bailey and 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. 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.
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 subsequently agreed shall be implemented prior to the completion or bringing into use of the development,

whichever is the earlier. For the avoidance of doubt the existing hedgerow shall be retained in perpetuity.

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

5. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, 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.

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

6. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

7. Prior to the occupation of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

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

be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

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

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

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

10. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 3 metres from the boundary of the public road surface.

Reason - In the interests of road safety.

11. Prior to the commencement of the development hereby approved, the existing hedge along the east boundary and in the location of the proposed vehicle access shall be trimmed to a maximum height of 1.05m. The hedge height on the east boundary shall be permanently retained thereafter.

Reason - In the interests of road safety.

12. Prior to the commencement of development hereby approved, 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. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts

and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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. Please use the form attached herewith.
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. Please use the form attached herewith.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. 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.

7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. 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 and layout.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
11. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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

4 members voted for the Motion as follows:

Councillors, B Brawn, D Cuthbert, Bailie C McLaren and C Reid,

9 members voted for the Amendment as follows:

Councillors K Allan, H Anderson, Bailie A Bailey, K Harvey, D Illingworth, I Massie, I MacPherson, G Stewart, and Bailie M Williamson.

Resolved:

In accordance with the Amendment.

6. PROPOSAL OF APPLICATION NOTICES

- (i) **24/00004/PAN – Formation of a 49.9MW battery storage facility and associated works, land 200 metres north of Pitcurran House, Newburgh Road, Abernethy, Perth (Report No. 24/171)**

Councillor D Illingworth requested due consideration be given to water supply to the nearby Balgonie Farmhouse, close proximity to housing, fire risk, screening, the proposed active travel route, noise pollution, use of prime agricultural land and the cumulative impact of other similar sites in the vicinity.

Bailie C McLaren requested due consideration be given to the cumulative impact of other similar sites in the vicinity.

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

- (ii) **24/00005/PAN – Formation of a 49.9MW battery storage facility and associated works, land 300 metres west of Tir Artair, Killin (Report No. 24/172)**

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