

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 6 September 2023 at 9:30am.

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

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

Apologies: Bailie M Williamson and Councillor D Cuthbert.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 9 August 2023, be approved.

4. DEPUTATIONS

Convener advised of no deputations in relation to the items of business on the agenda, however, the applicant for Item 5(2)(i) was available to answer Members' questions.

In terms of Standing Order 19.9, Councillor Liz Barrett requested to address the Committee in relation to Item 5(1)(i) as it affects her ward area. Convener gave his consent to this request.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **20/00667/IPM – Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial,**

professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle), Perth West (MU70), Old Gallows Road, Perth – Report No. 23/239 – The John Dewar Lamberkin Trust

Councillor L Barrett addressed the Committee and answered Member's questions.

Resolved:

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

General AMSC

1. The Permission hereby approved shall be limited to:
 - (a) residential development of a maximum of 1,500 dwellings;
 - (b) commercial development of 26 hectares comprising: business (class 4); general industry (class 5); storage and distribution (class 6); shops (class 1); financial; professional and other services (class 2); food and drink (class 3); hotels (class 7); and non-residential institutions (class 10); and
 - (c) Infrastructure development comprising: bus depot; car parking; Perth Innovation Highway; hydrogen fuelling/charging centre; formation of road junction; underpass and road network; road alterations; footways; cycleways; greenspace; landscaping; and associated works.

No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters are:

- (i) a detailed updated phasing and delivery plan (incorporating commercial, residential, transport infrastructure, drainage infrastructure and open space) which shall specify that commercial uses are delivered in the first zones within Phase 1 and for the delivery of Phases 1-3 to accord with the Transport Assessment (Ref: 20/00667/15);
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished

- ground and floor levels of all buildings forming part of each development phase, relative to existing ground levels and a fixed datum point.
- (iii) the siting, design, height, and external materials of all buildings or structures;
 - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design, and specification (including the disposal of surface water) and related structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided.
 - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;
 - (vii) details of any landscaping, structure planting, boundary treatments and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) noise impact assessment
 - (x) lighting details;
 - (xi) bin storage, collection location, recycling facilities provision and access;
 - (xii) biodiversity action plan
 - (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
 - (xiv) archaeological working scheme of investigation;
 - (xv) updated Transport Assessment;
 - (xvi) updated Flood Risk Assessment
 - (xvii) updated Drainage Impact Assessment including SUDs Design Principles
 - (xviii) updated Battlefield Conservation Plan.
 - (xix) updated landscape and visual impact assessment.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The submitted Masterplan (Ref: 20/00667/15) and Development Parameters Plan and Schedule of Uses and Floorspace (Ref: 20/00667/5) are purely indicative only and are not approved.

Reason: The application is for planning permission in principle only at this stage.

Roads

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.
Reason: In the interests of road safety.
4. The development of the application site shall be reviewed by 2035 or when there have been 1,001 housing units or 20 hectares of employment land developed, whichever comes first, to reassess the impact on the road network and the amount of modal shift. The applicant shall refer to LDP2 Main Issue Report or page 52/189 of the *Perth West: Transport Assessment Ref: GB01T20A18.2PROJ.10964013 (SYSTRA, 22/05/20)* for details of the "Pause and Review". No development shall take place until the review has been undertaken, submitted, and agreed in writing by the Council as Planning Authority.
Reason: In the interests of road safety.
5. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed multi-storey car park shall be submitted for the approval of the Council as Planning Authority.
For the avoidance of doubt the multi-storey car park must occur before the implementation of any parking restrictions on Lamberkine Drive or Tweed Place and continue to be available for the vehicles displaced as result of the restrictions. The number of parking spaces to be made available for displaced vehicles shall be agreed with the Council as Planning Authority before the first AMSC application.
Reason: In the interests of road safety.
6. As part of any Approval of Matters Specified by Condition (AMSC) application, all external lighting and streetlighting details submitted under Conditions 1 (iv) and/or (x) shall be designed to be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
Reason: In the interests of minimising light pollution, protecting amenity and road safety.
7. As part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed design for the signalisation identified for the A93/Lamberkine Drive shall be provided and including the upgrade of the zebra crossing on Lamberkine Drive to a controlled crossing, to

reduce the impact of queueing from the development. A detailed design shall be undertaken, along with a date for their implementation by the developer, and shall be agreed in writing by the Council as Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved scheme.

Reason: In the interests of road safety.

8. As part of the first Approval of Matters Specified by Condition (AMSC) application, a scheme for mitigation measures for the core path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands, where it crosses Lamberkine Drive, shall be submitted to and approved in writing by the Council as Planning Authority. This scheme shall include a detailed design that facilitates the safe crossing of pedestrians and cyclists and must also specify a date for its implementation by the developer. The scheme as approved shall be implemented prior to the occupation of the 100th dwellinghouse.

Reason: In the interests of road safety.

9. As part of any application for the Approval of Matters Specified by Condition (AMSC), the phasing of the project as part of any approval under Condition 1(i) of this permission, will be such that the upgraded A9(T) Tibbermore grade-separated junction shall be operational by the completion of the 1,001st housing unit on the site.

Reason: In the interests of road safety.

10. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

11. Prior to the commencement of any works on site, a scheme for the delivery of the proposed Broxden Underpass shall be submitted to and approved in writing by the Planning Authority, in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

12. Prior to the commencement of any works on site, a scheme for the delivery of a signal controlled A93 / Lamberkine Drive junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

13. Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore grade-separated junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

14. Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore Link Road shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

15. Prior to the commencement of any works on site, a scheme for the delivery of the proposed temporary emergency access from the A9 at East Lamberkine Farm shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales. The temporary access shall be closed once the A9 Tibbermore grade-separated junction becomes operational.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

16. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.

17. 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 (CTMS) which shall include the following:

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

Reason: In the interests of road safety.

18. All vehicles transporting construction material to and from the proposed development shall be sheeted.
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
19. Prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
20. Prior to the occupation of any part of the phased development, a comprehensive Residential Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: To be consistent with the requirements of PAN 75 Planning for Transport.
21. Prior to the occupation of any part of the phased development, a comprehensive Commercial Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: To be consistent with the requirements of PAN 75 Planning for Transport.
22. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. A strategy shall be included in the GTP for monitoring, reporting, and updating the plan as necessary. The GTP will have particular regard to provision for:
- (a) walking and cycling;
 - (b) public transport access to and within the site;
 - (c) provision of electric vehicle (EV) charging points within all residential, commercial and community use development parcels;

- (d) identify measures to be provided (including the provision of new and/or enhanced public transport services);
- (e) any phasing, the system of management, monitoring, review, reporting and the duration of the Plan.

The GTP as agreed shall be fully implemented by the applicant.

Reason: In the interests of sustainable transport.

23. Prior to the commencement of any phased development, a Development Phasing Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that establishes what level of development mitigation interventions will be required.

Reason: To minimise any interference with the safety and free flow of traffic on the trunk road network.

24. Prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that considers the various public transport improvements cited in the Transport Assessment.

Reason: To ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network.

25. A barrier of a type approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

26. Prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

27. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

28. The proposed development shall be limited to the scale assessed within the Transport Assessment (Ref: 20/00667/15).
Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

Residential Amenity

29. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by the Scottish Government).
Reason: To ensure a satisfactory standard of local environmental quality.
30. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the written agreement of the Council as Planning Authority in consultation with NatureScot, Scottish Environment Protection Agency (SEPA) and Environmental Health. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. The CEMP shall include noise & vibration and dust assessments; to assess the impacts from construction operations. The CEMP shall also include procedures, limit values and mitigation measures to control noise and vibration and a detailed quantitative dust assessment shall be undertaken. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
Reason: In the interest of proper site management and to protect the amenity of the area.
31. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:

- Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
- Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
- They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, re-instatement and de-commissioning of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.
Reason: In the interest of proper site management and to protect the amenity of the area.

32. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Air Quality Assessment (AQA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

33. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Noise Impact Assessment (NIA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be

undertaken in full to the satisfaction of the Council as Planning Authority.

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

34. As part of any Approval of Matters Specified by Condition (AMSC) application, an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
- (a) the nature, extent, and type(s) of contamination on the site
 - (b) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (c) measures to deal with contamination during construction works
 - (d) condition of the site on completion of decontamination measures.

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

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

Cultural Heritage

35. As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 a detailed report setting out protection of key heritage assets and their settings shall be submitted to and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter the agreed actions will be undertaken in full, to the satisfaction of the Council as Planning Authority.

Reason: the protection of key heritage assets.

36. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to

the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust

Reason: To safeguard archaeology in the area.

37. As part of any Approval of Matters Specified by Condition (AMSC) application, a scheme detailing the provision and timing of protective fencing shall be submitted to the Council for approval as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Once approved, the fencing shall be erected around the historic battlefield area in a manner as approved and retained in accordance with the approved scheme. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

38. As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 an Updated Battlefield Conservation Plan (BCP) shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure the preservation and enhancement of the historic environment.

Landscape

39. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for each phase shall be submitted for the approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

40. 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 a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

41. As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

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

42. As part of any Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.

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

43. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the proposed boundary treatments for the site shall be submitted for the written agreement of 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.

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

44. The asserted right of way/core paths METH/121, METH/13, METH/131 and CTYS/112 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.
45. As part of any Approval of Matters Specified by Condition (AMSC) application, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
Reason: To ensure that public access is maintained at all reasonable times, to the local path network.

Biodiversity

46. As part of any Approval of Matters Specified by Condition (AMSC) application, a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Biodiversity Action Plan shall be implemented in accordance with the approved plan.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
47. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, protected species and deer shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points shall be fully adhered to, respected, and undertaken as part of the construction phase of development.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
48. 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: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

49. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

50. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

Flood Risk and Drainage

51. As part of any Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

52. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Drainage Strategy including detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The strategy and scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

53. 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 unless otherwise agreed in writing by the Council as Planning Authority.

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

54. As part of any Approval of Matters Specified by Condition (AMSC) application, following consultation with SEPA and NatureScot a detailed Blue/Green Infrastructure Scheme, shall be submitted for approval of the Council as Planning Authority. 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 provide effective drainage for the site in line with Councils policies on good placemaking.

Heat and Energy

55. As part of any application for the Approval of Matters Specified by Condition (AMSC), an updated, detailed Energy Statement supporting a zero-carbon development shall be submitted for the written agreement of the Council as Planning Authority. The statement must include timescales for the provision of zero carbon developments within the site. The agreed energy measures and zero-carbon initiatives shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To reduce reliance on fossil fuels and to deliver a zero-carbon development at Perth West.

Waste

56. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the commercial or residential units shall be occupied until the agreed scheme has been provided in full.

Reason: In order to ensure adequate servicing facilities are provided.

General

57. The development to which this permission in principle relates shall be begun no later than the expiration of ten years beginning with the date of grant of this permission.

Reason: This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Justification

The proposal is considered to comply with National Planning Framework 4 and there are material considerations that result in departure from the approved Perth & Kinross Local Development Plan 2 (2019).

Planning Obligations and Legal Agreements

Following the recommendation of approval at the Planning & Development Management Committee on 1 June 2021, a Section 75 Legal Agreement has been in preparation, and is now nearing completion. The Section 75 will need to be completed and registered before the decision notice can be issued.

Informatives

1. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct

a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he 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 is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. The granting of planning permission does not stop the continued right of public access along the existing core paths METH/121, METH/13, METH/131 and CTYS/112. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
11. There is a Section 75 legal obligation associated with this planning permission, which relates to affordable housing provision (25%); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision, health care provision, maintenance and core path connections, and establishment of Project Design Team for any detailed applications. A copy is available to view on the Council's [Public Access portal](#).

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Report dated May 2020. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.
3. The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The significant effects on the environment were identified to be:
 - Air Quality
 - Noise Pollution
 - Ecology
 - Traffic and Transport
 - Flood Risk and Drainage
 - Tippermuir Historic Battlefield Site
 - Archaeology
 - Blue/Green Infrastructure
 - Landscape and Visual Impact
4. The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following:
 - Woodland Planting and Landscaping
 - Assessment of visual impact on wider area

- Construction and Environment Management Plan (CEMP)
 - Ecological Clerk of Works (ECoW)
 - Construction Traffic Management Scheme (CTMS)
 - Green Travel Plan
 - Blue/Green Infrastructure
 - Air Quality Assessment
 - Noise Impact Assessment
 - Habitat Assessment including Breeding Birds and Protected Species
 - Landscape and Visual Impact Assessment
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 6, 8, 9, 16, 17, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 46, 47, 51, 52, 54 and 55 as set out herein, the proposal is acceptable and can be approved.

(2) Local Application

- (i) **Extension to warehouse/offices to form additional office space (class 2), product development/food preparation areas with associated storage and distribution (class 6), House of Bruar, Pitagowan, Blair Atholl, Pitlochry, PH18 5TW – Report No. 23/240 – House of Bruar**

Mr Patrick Birkbeck, applicant, attended the Committee and answered Members' questions.

Resolved:

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

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. 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.

4. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason – In order to protect existing residential amenity.

5. 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.

6. Prior to the commencement of the development hereby approved, precise details of the means of surface water disposal shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure the site is adequately drained.

7. The footpath path leading from Pitagowan to the Falls of Bruar must not be obstructed during the construction phase, or on completion of the development.

Reason – In the interest of proper site management and to ensure existing public access continues.

8. The Construction Exclusion Zone (CEZ) as shown on approved Plan 11 shall be adhered to in full, and all fencing shall be BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ shall be strictly adhered to during the entire duration of the construction phase of the development.

Reason – In order to ensure that existing trees are suitably protected during the construction phase.

9. Prior to the commencement of the development hereby approved, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.

Protection measures, once in place, shall remain in place for the entire duration of the construction phase of the development.

- Reason – In order to ensure that existing trees are suitability protected during the construction phase.
10. Within 6 months of the completion of the development hereby approved, the replanting and landscaping scheme approved as Plan No 12, shall be implemented in full. Any planting failing within 5 years shall be replaced within the next available planting season.
 11. The conclusions and recommended action points within the supporting ecology survey submitted and hereby approved as Plan 10 shall be fully adhered to, respected and undertaken during the entire duration of the construction phase of the development, and that all mitigations measures are thereafter implemented.
Reason – In order to ensure that biodiversity interested are fully accommodated.
 12. Prior to the commencement of the development hereby approved precise details of the area for, the means of enclosures and the capacity for the provision of general waste, recycling and food waste shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented and be able for use prior to the extension being used.
Reason – In order to ensure that suitable facilities for waste and recycling are provided in a suitable location.

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. 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/>.

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