

# 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 8 May 2024 at 9.30am.

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

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

Apologies: Councillors K Allan, C Reid, R Watters.

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

## 2. DECLARATIONS OF INTEREST

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

## 3. MINUTES

- (i) The Minute of Meeting of Planning and Placemaking Committee of 13 March 2024 was submitted and approved as a correct record.
- (ii) The Minute of Meeting of Planning and Placemaking Committee of 10 April 2024 was submitted and approved as a correct record.

## 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
23/00504/FLM	5(1)(i)
23/00193/FLL	5(2)(i)

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Application

- (i) **23/00504/FLM – Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru**

**facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works, land 90 metres south of 5 Broxden Avenue (E2), Perth (Report No. 24/145)**

Mr Murray Rankin, agent on behalf of the applicant, addressed the Committee and answered Members questions.

**Resolved:**

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

**Conditions**

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.  
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
3. The construction of all of the business units hereby approved (as shown on plans 36 and 49) shall be completed such that they are ready for use/occupation prior to the occupation or bringing into use, whatever is the earlier, of the 3 class 3 cafe/ restaurants units as shown on plans 05, 10, 11, 12, 13 and 14.  
Reason - To secure the provision of the business units on this allocated employment site.

**Access and Roads**

4. Prior to the development hereby approved being completed or brought into use, the vehicular access shown on the approved drawings shall be implemented and constructed in accordance with Perth & Kinross Council's Road Development Guide, using the Construction Type B from the Construction Details for Access Types, C, D and E. The Type B Road construction detail shall continue into the entrance for a distance of at least 5 metres from the boundary of the public road surface.  
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
5. Prior to the occupation of any unit, the applicant shall submit for the written approval by the Council as Planning 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. Thereafter, the agreed scheme shall be implemented for the life of the development.

Reason - In the interests of pedestrian and traffic safety.

6. Prior to the first occupation of any unit, a detailed design for a minimum of:
  - a. 4 secure cycle parking bays for the Western Class 3 Plot
  - b. 6 secure cycle parking bays for the Central Class 3 Plot
  - c. 4 secure cycle parking bays for the Eastern Class 3 Plot
  - d. 30 secure and covered cycle parking bays for the business units

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 prior to the relevant unit being brought into use.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

7. Prior to commencement of works, the street lighting design for adoptable areas must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented prior to the occupation of the first unit and maintained in full accordance with the agreed scheme.

Reason - In the interests of pedestrian and traffic safety.

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;
- (p) details of HGV movements to and from the site; and
- (q) details of sheeting for construction vehicles.

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

9. Reason - In the interests of pedestrian and traffic safety. Prior to the commencement of development, the applicant shall submit to, for the prior written approval of the Council as Planning Authority, a scheme supported by survey work to demonstrate that the public drainage system ensures a positive flow of water with no discharge onto the public road network. Thereafter, the agreed scheme shall be implemented in full to ensure no discharge onto the road network at any time.

10. Reason - In the interests of pedestrian and traffic safety. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transportation and Development. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the

agreed scheme shall be implemented in full for the life of the development.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

11. Prior to the commencement of development details of a barrier along the boundary of the trunk road to prevent access to the trunk road shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The barrier as agreed shall be completed prior to the use of the development and maintained by the developer or subsequent owner of the land.

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.

### **Biodiversity and Natural Environment**

12. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 41 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.

13. The findings and recommendations contained within the supporting ecological impact assessment submitted and hereby approved (document 43 relates) remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey, an updated survey is required to be submitted to the Planning Authority for written approval and thereafter the findings implicated accordingly.

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

14. Prior to the commencement of the development hereby approved, an updated Biodiversity Action Plan including a map/plan indicating the locations of all proposed measures proposed (bird boxes, hedgehog homes, bug hotels, hibernaculum piles, green roofs, and raingardens, etc.) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be implemented and 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 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).

15. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, wildlife kerbs

shall be installed adjacent to all road gullies within 500metres of a SUDS pond or watercourse. Thereafter, the kerbs shall be retained 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.

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

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

#### **Amenity / Noise and Odour**

17. 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.

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

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

19. Prior to the development hereby approved being completed or brought into use, effective ventilation systems 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 safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

#### **Contamination**

20. 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 ground contamination.

#### **Flooding**

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

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

22. The measures identified in the Flood Risk Statement (document 48 relates) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented must be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - In order to take account of the flood risk of the adjacent sites close to the Glasgow Road (A93).

23. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

#### **Core Path**

24. Prior to the commencement of development, a scheme shall be submitted to Council as Planning Authority for written agreement identifying improvements to the section of the core path (CTYS/120) which passes through the site. For the avoidance of doubt, the scheme shall improve surfacing and accessibility for all users. Thereafter, the agreed scheme shall be implemented in full prior to the occupation of any unit hereby approved. Reason – In the interests of promoting active travel.
25. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan. Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

#### **Dust Management**

26. Prior to the commencement of development, a Construction Dust Management Plan (CDMP) shall be submitted for the written approval of the Planning Authority and once approved shall be adhered to throughout the construction stage. The CDMP shall include mitigation measures for the control of dust during all stages of the construction phase. Reason - In order to ensure there are no negative impacts from construction dust.

#### **Justification**

The proposal is considered a minor departure from the Development Plan however there are material reasons which justify departing from the Development Plan.

#### **Procedural Notes**

SEPA has submitted a holding objection to the proposed development, in relation to flood risk. The application will be referred, if SEPA maintain their objection, to the Scottish Ministers for authority to proceed. Thereafter, if agreed by Scottish Ministers, the decision notice shall not be issued until such time that the relevant transport infrastructure contributions have been secured.

#### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on



which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material
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](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the e-Planning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to this development.  
<https://www.pkc.gov.uk/ldp2floodrisk>.
8. 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.
9. 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>
10. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
11. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
12. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
13. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
14. 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.
15. 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.

16. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
17. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
18. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
19. The granting of planning permission does not stop the continued right of public access along the existing core path. 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.

## **(2) Local Application**

- (i) **23/00193/FLL – Erection of office building (Class 4) and two café/restaurant units (Class 3) with drive thru facilities, car parking, landscaping and associated works, land 100 metres south west of 5 Broxden Avenue, Perth (Report No. 24/146)**

Mr Michael Lorimer, agent on behalf of the applicant, accompanied by Mr Alastair Scott-Kiddie, engineer, addressed the Committee and answered Members questions.

THERE FOLLOWED A 5 MINUTE RECESS AND COMMITTEE RECONVENED.

### **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. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. The construction of the office block hereby approved (as shown on plan 08 and 09) shall be completed prior to the occupation or bringing into use, whatever is the earlier, of the 2 class 3 cafe/ restaurant units as shown on plans 06 and 07.

Reason - To secure the provision of the office block on this allocated employment site.

4. Prior to works commencing on site, details of a central storage area for waste collection for each unit shall be submitted to, and for the written approval of, Perth and Kinross Council, as the Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the bringing in to use of any unit hereby approved.

Reason - To ensure sufficient waste collection for each unit.

#### **Amenity**

5. Prior to the commencement of development, a Construction Dust Management Plan shall be submitted for approval of the Planning Authority and once approved shall be adhered to throughout the construction stage. The CDMP shall include mitigation measures for the control of dust as outlined in Table 20 of the air quality assessment 'Proposed Mixed Development, land adjacent to Broxden Roundabout, Perth – Fairhurst' document reference R24.12052/1/JH dated 26 February 2024.

Reason - In the interests of air quality.

#### **Roads and Access**

6. Prior to the development hereby approved being completed or brought into use, the vehicular access shown on the approved drawings shall be implemented and constructed in accordance with Perth & Kinross Council's Road Development Guide, using the Construction Type B from the Construction Details for Access Types, C, D and E. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

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

7. Prior to the first occupation of each element, the applicant 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. Thereafter, the approved plan shall be adhered to for the life of the development.

Reason - In the interests of road safety.

8. Prior to the first occupation of each element, a detailed design for a minimum of:

- a) Plot 2: 26 secure, covered cycle parking bays.
- b) Plot 3: 8 secure cycle parking bays.
- c) Plot 4: 8 secure cycle parking bays.

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 occupation of each element.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

9. Prior to commencement of works, the street lighting design for adoptable areas must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented prior to the occupation of the first unit and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

10. 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.

11. Prior to the commencement of development, the applicant shall submit survey work to demonstrate that the drainage system ensures a positive flow of water with no discharge onto the public road network. Thereafter, the agreed scheme shall be implemented in full to ensure no discharge onto the road network at any time.

Reason - In the interests of pedestrian and traffic safety.

12. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transportation and Development. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the agreed scheme shall be implemented in full for the life of the development.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

13. Prior to the commencement of development details of a barrier along the boundary of the trunk road to prevent

access to the trunk road shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The barrier, as agreed, shall be completed prior to the use of the development and maintained by the developer or subsequent owner of the land.

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.

#### **Floods / Drainage**

14. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in the SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. 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 - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

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

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

16. The measures identified in the revised Drainage Assessment (document 20 hereby approved) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented must be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - In order to take account of the flood risk of the adjacent sites close to the Glasgow Road (A93).

#### **Contaminated Land**

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

assessment, an intrusive investigation should be undertaken to identify:

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

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

Reason - In order to deal with any potential ground contamination.

### **Justification**

The proposal is considered a minor departure from the Development Plan however there are material reasons which justify departing from the Development Plan.

### **Procedural Notes**

SEPA have submitted a holding objection to the proposed development, in relation to flood risk. The application will be referred, if SEPA maintain their objection, to the Scottish Ministers for authority to proceed. Thereafter, if agreed by Scottish Ministers, the decision notice shall not be issued until such time that the relevant transport infrastructure contributions have been secured.

### **Informatives**

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
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. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. 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. Please note that a fee is chargeable for the processing of RCC applications.
6. If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: <https://www.pkc.gov.uk/vehicleaccess>. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.
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](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. Guidance on the detailed design and positioning of the cycle storage can be sought from Transport Scotland's Cycling by Design 2021.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the e-Planning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The

Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>.
11. The refuse collection operative must have clear access to the bin storage area and where possible the surfaces must be a paved or hard finished, which must be smooth, where possible, without steps or kerbs with a minimum width of 1.5 metres and clear headroom of 2 metres.
12. Where a refuse vehicle is required to drive onto a site or to work under any structure there should be a minimum height clearance of 4.5 metres, with a minimum working area of 3.5 metres width by 4 metres length where the emptying of the containers will take place.
13. No work shall be commenced until an application for building warrant has been submitted and approved.
14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
16. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.