

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 22 June 2011 at 9.30am.

Present: Councillors W Wilson, R Band, L Caddell, I Campbell, C Gillies, A Jack (up to and including Art. 381(2)(iii)), J Kellas, H McDonald, D Melloy (substituting for Councillor M Lyle), S Miller, D Scott (substituting for Councillor K Lyall) and A Wylie (substituting for Councillor E Grant).

In Attendance: D Littlejohn (up to and including Art. 381(1)(vii)), N Brian, A Condliffe, J Williamson, A Fleming, S Dunn, K Steven, J Thomson and G Peebles (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors E Grant, W Lumsden, K Lyall and M Lyle.

Councillor W Wilson, Convener, Presiding.

Prior to the commencement of the meeting, Councillor W Wilson advised members that Councillor K Lyall was emigrating to Tasmania. He wished his thanks to be noted for Councillor Lyall's support and contribution to the work of the Development Control Committee and wished him, his wife and family all the best for their future.

378. DECLARATIONS OF INTEREST

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

379. MINUTE OF PREVIOUS MEETINGS

The Minute of Meeting of the Development Control Committee of 18 May 2011 (Arts. 264-269) was submitted, approved as a correct record and authorised for signature.

380. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear depositions in relation to planning applications as follows:

Planning Application No.	Article No.
10/02059/FLM	381(1)(iii)
11/00197/FLM	381(1)(iv)
11/00530/FLM	381(1)(v)
11/00533/FLM	381(1)(iv)
11/00531/LBC	381(1)(vii)
09/01496/FLL	381(2)(i)
10/01538/FLL	381(2)(ii)

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10/02049/AML
11/00618/AML

381(2)(iii)
381(2)(iv)

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

381. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 10/01701/AMM – KILLIN – Erection of lodges, reception building and manager's flat and formation of landscaping, drainage, access and site levels (Approval of Matters Specified in Conditions - 07/00467/OUT) at Loch Tay Highland Lodges, Killin – Mr Rupert Barrett– Report 11/327**

A Condliffe, Senior Team Leader advised the Committee that paragraph 6 on page 2 should be amended by deleting everything after 'Regulations 2009'. No consultation was carried out or required.

Resolved:

Grant, subject to the following conditions:

1. The Planning Permission in Principle for this development lapses on the expiration of two years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The woodland planting indicated on drawing 10/01701/13 shall be carried out during the first planting season following the commencement of construction of any of the chalets. The planting shall be completed in its entirety prior to the occupation of any of the approved chalets. Any tree, shrub or plants which, within a period of five years, dies, becomes damaged or is removed, shall be replaced with others of similar species unless otherwise agreed in writing by the Planning Authority.
4. None of the chalets hereby approved shall be occupied as the sole or main means of residence of any occupant to the satisfaction of the Council as Planning Authority.
5. The site manager's flat shall be occupied solely by a person or persons employed in the operation of Loch Tay Highland Lodges, Killin to the satisfaction of the Council as Planning Authority.

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6. For the avoidance of doubt the existing private access throughout the site shall be provided with a bituminously bound surface to the satisfaction of the Council as Planning Authority. This surface shall be formed and completed in its entirety prior to the occupation of any of the approved chalets. The provision of passing places and the signposting of these passing places shall also be carried out prior to the occupation of any lodge on-site all to the satisfaction of the Planning Authority.
7. The pedestrian footpaths throughout the application site shall be suitably maintained in perpetuity to the satisfaction of the Council as Planning Authority.
8. The recreational/leisure facilities approved in principle under application 07/00467/OUT and agreed as phases 4 and 5 of the overall development shall be fully completed, operational and open prior to the occupation or completion, whichever is the earliest, of 75% (18) of the lodges hereby approved and shall be similarly maintained thereafter.
9. The drainage arrangements for the site shall be fully upgraded in line with the Drainage Strategy (ref:10/01701/15) submitted by Allen Gordon Engineers dated February 2011 and the upgraded drainage arrangements shall be implemented in full prior to the occupation of any of the lodges hereby approved.
10. The external lighting detailed in the approved plans shall be erected in its entirety prior to the occupation of any of the lodges hereby approved all to the satisfaction of the Council as Planning Authority.
11. All construction operations shall be carried out strictly in accordance with the Construction Method Statement (CMS) (ref:10/01701/15) and to the satisfaction of the Council as Planning Authority.

Justification

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

Informatives

1. 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.

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2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

(ii) 10/01716/IPM – KILLIN – Variation of Condition 2 (07/00467/OUT) to extend timescales (erection of additional holiday lodges) at Loch Tay Highland Lodges, Killin – Mr Rupert Barrett – Report 11/328

Resolved:

Grant, subject to the following condition:

1. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
 - (i) the expiration of five years from the date of the grant of outline planning permission.

Justification

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

(iii) 10/02059/FLM – DUNNING – Erection of a broiler production unit (90,000 birds) including access, drainage and bunding on land at Mains of Duncrub Farm, Dunning – The Stuart Partnership – Report 11/329

Mr S Harrison, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

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1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The new buildings hereby approved shall be clad externally in material which shall match in colour, form and profile those modern buildings immediately adjacent and the grain silos shall be finished with a dark colour, the details of which shall have been submitted and approved by the Council as local Planning Authority, in writing, prior to the commencement of site works. The completed development shall strictly accord with those details approved and shall be so maintained at all times thereafter.
4. By the end of the first planting season following the commencement of site works the comprehensive planting strategy detailed on the plans forwarded by Christopher Palmer Associates and hereby approved, shall have been carried out and completed. Any tree or shrub which, within a period of five years dies, becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Council as local Planning Authority.
5. Prior to the new buildings hereby approved being first brought into use, details of the proposed means of external lighting of the buildings and yard (number of new light units, their location, luminance and the extent of any light spill) shall have been submitted to and approved in writing by the Council as local Planning Authority. The completed development shall strictly accord with those details approved and shall be so retained at all times thereafter unless otherwise agreed in writing.
6. The only HGV movements allowed on-site between the hours of 23:00 and 07:00hrs are those connected with the collection of birds for slaughter and these will be limited to only 5 nights in a 7 week cycle.
7. The applicants shall prepare a Noise Management Plan which will show how noise from operations at the farm, including deliveries to and from the farm, will be controlled. The Plan will be submitted for the approval of the Council as local Planning Authority prior to the buildings being first brought into use and operations shall strictly accord with those noise management measures approved.
8. Prior to the new units hereby approved being first brought into use, vehicle passing places at 100m intervals shall have been constructed along the farm access road from the B 9141 to the site in accordance with details which

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previously shall have been submitted to and approved in writing by the Council as local Planning Authority. The passing places shall be retained at all times thereafter and maintained free of obstruction.

Justification

The proposal is considered to comply with the terms of the Development Plan subject to conditions and no material considerations exist which would outweigh the contents of the Development Plan.

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is reminded of the need for a permit from SEPA Pollution Prevention Control Scotland Regulations 2000.
6. The applicant is advised to contact Scottish Water prior to the commencement of site works to determine whether Scottish Water assets may be affected by development and the need for any separate consent from that Authority.

- (iv) **11/00197/FLM – KINROSS – Demolition of existing motorway services and petrol filling station and erection of new motorway services building and petrol station, retail units, landscaping and junction improvements at M O T O Services, Kinross – Moto Hospitality Limited – Report 11/330**

Mr G Oliver, agent on behalf of the applicant, followed by Mr K Miles, objector, addressed the Committee, and, following their respective representations, withdrew to the public benches.

A Condliffe, Senior Team Leader advised the Committee that paragraph 39 on page 61 should be read as referring to valid permission for a petrol filling station with forecourt and shop as that consent had been renewed.

Motion (Councillors W Wilson and B Band) – Grant, subject to the following conditions and an additional condition 23:

- 1. The development shall be begun within a period of three years from the date of this consent.**
- 2. The proposed development must be carried out in accordance with the approved plans unless otherwise provided for by conditions imposed on the planning consent.**
- 3. Notwithstanding the detail shown on the submitted plans the material of external cladding is hereby not approved. No construction work shall commence on site until details of an appropriate alternative have been submitted to and approved in writing by the Council as Planning Authority. The completed development shall strictly accord with those details approved.**
- 4. Prior to the commencement of site construction works details of the means of external illumination of the site and buildings shall be submitted to and approved in writing by the Council as Planning Authority. The completed development shall strictly accord with those details approved.**
- 5. Prior to the commencement of site works detailed ground contouring and the planting within and around the ecological/grassland/wetland area in the north-east corner of the site shall be submitted to and approved in writing by the Council as Planning Authority. This feature shall be completed in accordance with the details approved by the end of the first planting season following the new amenity building being first brought into use.**
- 6. The detailed landscaping and planting scheme hereby approved shall be completed by the end of the first planting season following the new amenities**

- building being first brought into use. Any tree, shrub or plant which, within a period of five years dies, becomes damaged or diseased shall be replaced by others of a similar size and species unless otherwise agreed in writing by the Council as Planning Authority. The completed scheme of planting shall strictly accord with the details hereby approved.
7. Prior to the commencement of site works trees bordering the site shall have been protected in accordance with details which previously shall have been submitted to and approved in writing by the Council as Planning Authority. The approved tree protection shall remain in place throughout the demolition and construction phase of the development and there shall be no excavation, raising of ground levels or storage of construction materials within that approved protected area.
 8. During the demolition and construction phase of the development hereby approved the biodiversity mitigation and good practice measures detailed at S13 of the Environmental Statement (Ecology) in relation to the protection of ecological interests and environmental management, shall be strictly observed and site work shall accord with those mitigation measures unless otherwise agreed in writing by the Council as Planning Authority.
 9. Finished floor levels of the new amenity building shall be set no lower than those of the existing buildings on the site (121.6 mAOD to 122.3 mAOD).
 10. Prior to the commencement of any works, details of the proposed Greenfield run-off rate for the SUDS system shall be submitted to and approved in writing by the Council as Planning Authority. The completed development shall strictly accord with those details approved.
 11. Prior to the commencement of any works, details of the post development flows within the development site shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA) and all work shall be carried out in accordance with the approved scheme. This should include the provision of suitable overland flow paths to direct surface water flows to the appropriate drainage infrastructure.
 12. At least two months prior to the commencement of any works, a full site specific environmental management plan (EMP) for demolition and construction stage shall be submitted for the written approval of the Council as Planning Authority in

- consultation with SEPA and other agencies such as SNH as appropriate, and all work shall be carried out in accordance with the approved plan.
13. Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to Perth and Kinross Heritage Trust not less than fourteen days before development commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the Perth and Kinross Heritage Environment Record.
 14. Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
 15. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems (SUDS) to meet the requirements of best management practices.
 16. All plant or equipment including any ventilation system associated with operation of the commercial areas 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
 17. The delivery of goods to the premises shall take place between 0700 to 2100 hours Mondays to Saturdays and at no other time.
 18. Development should not begin until a scheme to assess and deal with any contamination on the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme shall contain proposals to deal with the contamination and include:
 - the nature, extent and type(s) of contamination on the site

- measures to treat/remove contamination to ensure the site is fit for the use proposed
 - measures to deal with contamination during construction works
 - condition of the site on completion of decontamination measures.
19. Before any unit is occupied the measures to decontaminate the site shall have been fully implemented as approved by the Council as Planning Authority. Verification that the scheme's proposals have been fully implemented must also be submitted to the Planning Authority.
20. Prior to the occupation of any of the 8 Lettable Retail Units having a Gross Internal Area of 288 square metres, or less, an Occupancy Notice and a Schedule of Occupancy shall be submitted to and approved in writing by the Council. The permitted uses shall strictly accord with those details approved. For the purposes of this condition the following definitions should be noted:

Definitions

"Permitted Uses" means the retail sale of goods and any further use or uses which might subsequently be approved by the Council as Planning Authority.

"Schedule of Occupancy" means a schedule detailing the location of each lettable Unit within the Agreement Subjects; the location and the amount of Gross Retail Floor Space allocated to lettable Units for the sale of Adult Clothing and Footwear and Tourism-related Goods; and the location and Gross Internal Area of each lettable Unit.

"Occupancy Notice" means a notice identifying the lettable Unit with a Gross Internal Area of less than, or equal to, 288 square metres.

"Lettable Unit" means any unit of accommodation (other than car parking areas or any sub-station forming part of the Agreement Subjects) forming part of the Agreement Subjects which is, or is reasonably intended to be, or is designed from time to time to be, the Subject matter of a lease and shall, for the avoidance of doubt, exclude any common parts of the Agreement Subjects.

"Gross Internal Area" means the Gross Internal Area ascertained in accordance with the Code of Measuring Practice of the Royal Institution of Chartered Surveyors and the Incorporated Society of Valuers and Auctioneers, Fifth Edition dated 2001 as amended from time to time and current at the date of measurement.

"Gross Retail Floor Space" means the total floor area within buildings which is occupied exclusively by a retailer or retailers.

21. Notwithstanding the terms of the Town & Country Planning (Use Classes)(Scotland) Order 1997 (or any order revoking and re-enacting the Order with or without modification) retailing from the new units hereby approved shall be limited to the retail sale and display of comparison goods only and comprise tourism-related goods, products, and services in the following main range: outdoor clothing and footwear; jewellery, silverware, watches and clocks, books, stationary, cd's and ancillary goods, sports and outdoor goods. Any food and convenience goods shall be limited to an ancillary element only of the tourism-related retail sales operation.
22. Notwithstanding any rights afforded under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any order revoking and re-enacting the Order with or without modification), no internal alterations shall be carried out which would result in the sub-division or amalgamation of the 8 retail units hereby approved without an express grant of planning permission.
23. Prior to the commencement of works on site, details of an information area for tourists shall be submitted and agreed in writing by the Council as Planning Authority.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
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

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- amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
 4. No work shall be commenced until an application for building warrant has been submitted and approved.
 5. The applicant is advised to contact Scottish Water prior to the commencement of site works to determine whether Scottish Water assets may be affected by development and the need for any separate consent from that Authority.

Amendment (Councillors D Scott and C Gillies) – Refuse, on the grounds that the application is contrary to Sustainable Economy Policy 8 of the Perth and Kinross Structure Plan 2003 in that it will have an adverse retail impact, particularly on Kinross Town Centre.

Amendment – 2 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (v) **11/00530/FLM – KENMORE – Deletion of Conditions 4 and 5 of planning consent 03/02250/PPLB at Taymouth Castle, Kenmore – Taymouth Castle Estates Limited/Taymouth Estate Limited – Report 11/331**

Mr N Martin, agent on behalf of the applicant, followed by Mr J Miller, Kenmore and District Community Council; Mr D MacLehose; and Ms K McGregor, on behalf of Breadalbane Development Associates, Breadalbane Heritage Society and the James McLaren Society, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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Resolved:

Grant, subject to the following conditions:

1. Within eighteen months of the date of this approval or prior to the occupation of the Castle Riverside Lodges (marked 1-26 on the masterplan approved under application 03/02250/PPLB), whichever is the sooner all works to the Main and West Wing of the Castle shall be completed. These completed works shall include all internal and external work up to and including initial fit out to enable this part of the Castle to be operated as a 12 suite boutique hotel. All of the above shall be to the satisfaction of the Council as Planning Authority in consultation with Historic Scotland.
2. The remaining conservation works to the Castle (Main building and West Wing) shall be completed in their entirety to the satisfaction of the Planning Authority in consultation with Historic Scotland by 31 December 2011. These works include:
 - The completion of the main services infrastructure, pipe work, wiring, ductwork and fire protection within the Castle and;
 - The completion of the renovation and/or restoration of the Principal Rooms on the first floor of the Castle.The detail of the above works shall be agreed in writing with the Planning Authority in consultation with Historic Scotland prior to any further works taking place. The details shall be as per the discussions at the meetings of 18 May and 24 May 2011.
3. The occupation of the new North Wing, approved under application 03/02250/PPLB, is not permitted until the works to the East Wing approved under applications 11/00531/LBC and 11/00533/FLL are completed in their entirety and the East Wing becomes operational.

Justification

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

Informatives

1. 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.

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2. 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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.
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.

- (vi) **11/00533/FLM – KENMORE – Erection of 71 estate properties, formation of spa facilities, erection of restaurant, erection of bridge, alterations to golf course and modification to existing consent (03/02250/PPLB) for change of house type of 89 estate properties, relocation of 14 estate properties, relocation and amendments of equestrian centre and golf clubhouse, revised proposals within the east wing of castle to form health and beauty spa and 14 apartment suites and formation of hotel suite and external lift access in west wing of castle at Taymouth Castle, Kenmore – Taymouth Castle Estates Limited/Taymouth Estate Limited – Report 11/332**

Mr N Martin, agent on behalf of the applicant, followed by Mr J Miller, Kenmore and District Community Council; Mr D MacLehose; and Ms K McGregor, on behalf of Breadalbane Development Associates, Breadalbane Heritage Society and the James McLaren Society, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and B Band) – Grant, subject to the following conditions:

1. **The development shall be begun within a period of three years from the date of this consent.**
2. **The proposed development must be carried out in accordance with the approved plans and Supplementary Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent.**

Timescale/Phasing

3. Within 18 months of the date of this approval or prior to the occupation of the Riverside Lodges (marked 1-26 on the submitted masterplan), whichever is the sooner, all works to the Main and West Wing of the Castle shall be completed. These completed works shall include all internal and external work up to and including initial fit out to enable this part of the Castle to be operated as a 12 suite boutique hotel. All of the above shall be to the satisfaction of the Council as Planning Authority in consultation with Historic Scotland.
4. The remaining conservation works to the Castle (Main building and West Wing) shall be completed in their entirety to the satisfaction of the Planning Authority in consultation with Historic Scotland by 31 December 2011. These works consist of:
 - The completion of the main services infrastructure, pipe work, wiring, ductwork and fire protection within the Castle; and
 - The completion of the renovation and/or restoration of the Principal Rooms on the first floor of the Castle.The detail of the above works shall be agreed in writing with the Planning Authority in consultation with Historic Scotland prior to any further works taking place. The details shall be as per the discussions at the meetings of 18 May and 24 May 2011.
5. The occupation of the new North Wing as indicated on the masterplan (11/00533/1), is not permitted until the works to the East Wing approved under application 11/00531/LBC and this consent are completed in their entirety and the East Wing becomes operational.

Castle

6. The internal areas of the entire Castle shall be inspected for any remaining internal historic features, including fireplaces, plasterwork, joinery details, doors, shutters and plasterwork prior to the commencement of development in this area and the Planning Authority shall be informed of any historic elements found. Any historic elements found shall be retained and accommodated within the new development.
7. An updated fabric survey (based on the 2005 Conservation Plan Appendix 4 Fabric Survey) submitted as part of application 03/02250/PPLB to demonstrate what external repair issues are still

- outstanding shall be submitted prior to the Castle being brought into use as a 12 suite boutique hotel.
8. The landscaping scheme around the castle is not approved. Prior to the commencement of any landscaping a revised scheme based upon the discussions at the meeting of 24 May 2011 shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland. The landscaping scheme as approved shall be completed in its entirety prior to the Castle being operated as a 12 suite boutique hotel. For the avoidance of doubt the landscaping shall refer to both hard and soft landscaping.

East Wing of Castle

9. A detailed specification for the fenestration proposed within the original clock face area on the internal courtyard side of the south range of the East Wing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. These details shall be submitted prior to the suite which this window serves being brought into use. The details as approved shall be implemented during the development of the site.
10. The glazing proposed at ground floor level on the internal side of the south range of the East Wing is not approved. A revised fenestration arrangement for this area shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland to ensure that these ground floor openings are filled entirely with glazing. The details shall be submitted prior to any works to this suite commencing. The details as approved shall be implemented during the development of the site.
11. The primary face of the main boiler which is retained on site shall be conserved and re-built as a display element within the public areas of the East Wing. Details of its proposed location shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland prior to any of the East Wing being brought into use.
12. The basement vaulting which is to be removed at the west end of the internal courtyard on the East Wing shall be surveyed, photographed and recorded prior to its demolition and details of this survey work shall be submitted for the records of the Planning Authority.
13. The cast iron cellar wine racks within the lower ground floor cellars shall be retained in-situ to the satisfaction of the Council as Planning Authority.

14. The new windows on the north elevation of the East Wing shall be installed within existing openings and no alterations to these openings is permitted, other than the alterations to the doorways. The design detail of these windows is not approved. The design of these windows shall be as per the original profile with 4 panes in the top sash and 6 panes in the bottom sash with a horizontal emphasis known as a "lying pane". Detailed plans for these windows based upon the above shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland prior to the installation of any windows on this elevation.
15. The six windows on the north facing courtyard of the south range of East Wing adjacent to the swimming pool area as indicated on drawing Section C-C (drwg ref: 11/00533/20) are not approved and a revised elevation showing the re-use of the existing window openings shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The details as approved shall be implemented as part of the site development.
16. Any stonework removed shall be re-used in any alteration works within the East Wing.
17. The new opening proposed between the cart shed arches on the internal south facing elevation of the East Wing as indicated on drawing Section D-D (drwg ref 11/00533/21) is not approved. The cart shed arch shall be utilised as the main entrance to this suite and a revised Section D-D drawing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland to show this. The details as approved shall be implemented as part of the site development.
18. The glass roof over the corridor on the north range of the east wing as indicated on drawing Section D-D (drwg ref: 11/00533/21) and Roof Plan drawing (drwg ref: 11/00533/17) is not approved. A revised Section D-D and Roof Plan shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland omitting this glass roof. The details as approved shall be implemented as part of the site development.
19. Prior to works commencing on the East Wing a specification of the lime render to be used on the East Wing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The details as approved shall be implemented during the site development.

20. No elevation for the courtyard side of the east range of the East Wing has been submitted. A detailed, scaled elevation plan for this part of the East Wing shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland prior to the commencement of any works on the East Wing.

West Wing of Castle

21. The plans submitted for the lift in the West Wing are not approved. Revised plans showing the reduction in height of the lift shaft and link structure and the reduction in scale of the steel frame based upon the discussions at the meeting between the Council, Historic Scotland and the applicant's agent on 24 May 2011 shall be submitted. The above shall be agreed in writing with the Planning Authority in consultation with Historic Scotland. The above information shall be submitted prior to the commencement of any works on the proposed lift shaft and glazed link element. The details as approved shall be implemented during the development of the site.
22. A specification and colour detail of the steel work within the lift shaft and glazed link within the West Wing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The above information shall be submitted prior to the commencement of any works on the proposed lift shaft and glazed link element. The details as approved shall be implemented during the development of the site.
23. A detailed specification of the hand rails and external stair element at the lift area shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The above information shall be submitted prior to the commencement of any works on the proposed lift shaft and glazed link element. The details as approved shall be implemented during the development of the site.
24. The removal of stonework within the central area of the 2nd floor Breadalbane Suite in the West Wing to allow access to the main living space is not approved and a revised layout retaining this stonework shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland. This layout shall be based upon the details submitted in the e-mail dated 2 June 2011 from McKenzie Strickland Associates. The curved steps proposed to access the main living area are not considered

appropriate and the revised layout should omit this. The above information shall be submitted prior to any internal alterations within the Breadalbane Suite. The details as approved shall be implemented during the development of the site.

Natural Heritage

25. A detailed Red Squirrel strategy based upon the draft strategy submitted as part of the Red Squirrel Survey prepared by Nigel Rudd Ecology shall be submitted for the further written approval of the Planning Authority prior to the commencement of any development. This strategy shall ensure that Appendices 1 and 2 are updated so the first line reads *“Deliberately or recklessly capture, injure or kill any red squirrel”*. The strategy as approved shall be strictly adhered to during all development on the application site and to the full satisfaction of the Planning Authority.
26. No works or development within any zone (1-11) shall take place until a pre- construction survey for otters is carried out within that zone. This survey shall be carried out 100m upstream and downstream of any development area which is within 50m of a watercourse. If any otter activity is found the construction operations in that area shall cease and suitable mitigation measures put in place. The mitigation measures shall be agreed in writing with the Planning Authority prior to being implemented. Between the end of October and the end of March (winter time) any construction adjacent to a watercourse is restricted to 0700 to 1900 to avoid potential disturbance.
27. Prior to the commencement of construction in each development zone (1-11), a full detailed construction method statement (CMS) for that zone, giving details of measures to prevent harmful materials entering the River Tay SAC shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include
 - Pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - Storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
 - Construction site facilities, including extent and location of construction site huts, vehicles, equipment and materials compound.

- Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.
- 5 metre exclusion zones where possible to ensure work does not take place too close to the SAC.

The approved CMS shall be adhered to during the development of the site to the satisfaction of the Council as Planning Authority. This CMS can be based upon the CMS approved for applications 11/00145/FLL and 11/00146/FLL.

28. Prior to the commencement of development within a zone in the estate, an ecological review shall be submitted to confirm that no adverse impacts on bio-diversity will arise from development progressing in that zone. The review shall assess the presence of nesting birds, bats, red squirrels and otters. The review shall also contain measures to ensure no adverse impacts will occur on other habitats which may be present in that zone. The above details shall be agreed in writing with the Planning Authority prior to the commencement of any development in that zone.
29. The recommendations contained within Section 4 of the Bat Survey submitted by e-mail on 2 June 2011 shall be strictly adhered to at all times all to the satisfaction of the Council as Planning Authority. The details of these recommendations shall be carried out within each zone prior to the commencement of work in that particular zone and the details shall be submitted to the Planning Authority for their records.

Trees

30. Prior to the commencement of any development within any zone (1-11) marked on the approved Masterplan a full tree survey of that particular zone shall be submitted to and agreed in writing by the Planning Authority. The tree survey shall also include any access routes to that particular zone. The tree survey shall include:
- A scaled plan which indicates the tree boles and tree canopies plotted in relation to existing buildings and proposed development
 - Trees should be identified by a tree number using proprietary tree tags which correspond with survey details
 - All tree measurement details including crown spread, tree height and stem diameter
 - Tree species, tree health, condition, vitality, distinguishing features, safe useful life

expectancy and categories stated in accordance with BS 5837:2005

- **Arboricultural recommendations, e.g felling, crown cleaning, bracing**
- **Details of mitigation measures to reduce the impact of development on retained trees**
- **Root protection areas (RPA) shall be clearly shown on a scaled plan, together with details of all tree protection measures to be provided in accordance with BS 5837:2005**
- **The Tree survey should take account of BS 3998:2010 Recommendations for Tree Works and BS5837:2005 Trees in Relation to Construction**
- **Details of any trees proposed for felling**
- **Trees identified for removal shall be inspected for ecological potential**
- **Dead, dying or decaying trees should also be identified and some retained based upon their ecological value.**

Any estate properties found to be within RPAs shall be repositioned accordingly to a location outwith the RPA provided that location is not more than 2 metres in any direction from the original location. Any property required to be moved more than 2 metres will be subject to a new application.

31. No works or development within any zone (1-11) shall take place until a scheme for the protection of retained trees referred to in the condition above has been agreed in writing with the Planning Authority. This plan shall refer to the tree survey in the condition above. This protection plan shall include the following:

- **A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
- **The details of each retained tree as required at para. 4.2.6 of BS5837 2005 in a separate schedule.**
- **A schedule of tree works (if any is required) for all the retained trees, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998 2010, Recommendations for Tree Work.**

- **Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.**
- **The details and positions (shown on the plan referred to above) of the Root Protection Areas (section 9.3 of BS5837 2005).**
- **The details and positions (shown on the plan referred to above) of the Tree Protection Barriers (section 9.2 of BS5837 2005), identified separately where required for different phases of construction work (eg demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged, for the duration of that phase. No works shall take place on the next phase until the Tree Protection barriers are repositioned for that phase.**
- **The details and positions (shown on the plan referred to above) of the construction Exclusion Zones (section 9 of BS5837).**
- **The details and positions (shown on the plan referred to above) of the underground service runs (section 11.7 of BS5837).**
- **The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.**
- **The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (eg in connection with foundations, bridging, water features, surfacing).**
- **The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.**
- **The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.**
- **The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.**
- **The details of the working methods to be employed with regard to site logistics and**

storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

- The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837)
- The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- The timing of the various phases of the works or development in the context of the tree protection measures.

32. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by Perth and Kinross Council. This scheme will be appropriate to the scale and duration of the works and shall include details of:

- Induction and personnel awareness of arboricultural matters.
- Identification of individual responsibilities and key personnel.
- Statement of delegated powers.
- Timing and methods of site visiting and record keeping, including updates.
- Procedures for dealing with variations and incidents.

Perth and Kinross Council will require the scheme of supervision to be administered by a qualified arboriculturist approved by them but instructed by the applicant. A regular report should be provided on all active areas of development for the duration of the construction period. The report should confirm that the relevant conditions as detailed above are being fully adhered to.

Paths/Recreation

33. Within six months from the date of this decision, the applicants shall confirm the network of public paths which will be provided within the estate and agree the public use of these paths (i.e for walking, cycling and equestrian use). This shall include the required upgrade works to the Chinese Bridge. That agreed network shall be maintained and continue to be available throughout the construction and operation of the hotel resort/estate properties unless temporary cessation is required. In such a situation any restrictions shall be notified to the Council in writing in advance of that cessation and discussed with the

local community except in the case of urgent health and safety situations or emergency situations.

34. Prior to the site becoming operational as a 12 suite boutique hotel, the applicants shall agree the form and content of an information board at the Kenmore Gate with Perth and Kinross Council and Perth and Kinross Heritage Trust. This information board shall include information on the available path network throughout the site and a history of the site and the important natural heritage features present throughout the site. The information board shall be erected in a location to be agreed next to the Kenmore Gate prior to the site becoming operational as a 12 suite boutique hotel.

Noise/Odour

35. All plant or equipment including ventilation systems associated with operation of the commercial areas of the development shall be 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 properties with windows slightly open, when measured and/or calculated and plotted on a rating curve chart.
36. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained within the Smokehouse Restaurant areas, such that cooking odours are not exhausted into or escape into any neighbouring properties.
37. No form of public entertainment (including music amplified or otherwise) shall be permitted outside on the terrace area of the Smokehouse Restaurant between 2200 hours and 1000 hours unless otherwise agreed in writing with the Planning Authority.

Landscaping/Golf Course/Buildings within Estate

38. Prior to the occupation of any part of the development site the applicants shall provide full details and specification for the design and implementation of works to advance signage, internal roads, parking areas and junctions all to the satisfaction of the Council as Planning Authority.
39. Prior to the occupation of any part of the development site details of the proposed means of external lighting of the site shall be submitted and approved in writing by the Planning Authority. The completed development shall strictly accord with those details approved and shall be so retained at all times thereafter unless otherwise agreed.

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40. All recommendations within the “Management Programme” for each compartment detailed in the Landscape Management Plan submitted as part of this application and included within Appendix 5.3 of the Supplementary ES shall be strictly adhered to, all to the satisfaction of the Council as Planning Authority.
41. The planting proposed along the A827 shall be planted to ensure that views afforded from this road across the entire valley estate are retained as much as possible and details of the specific arrangements for this planting shall be submitted for the further written approval of the Planning Authority prior to the commencement of development within Zones 4, 5, 6, 8 and 9. The details as approved shall be implemented as part of the development of the site.
42. Prior to the commencement of development works (for example new tees, bunkers and greens) within the golf course, detailed scaled sections and site plans of all new development referred to as “Type 2 and 3” in the applicant’s document dated 19 May 2011, shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The details as approved shall be implemented as part of the site development.
43. Full details of the surfacing materials for the main drive, access tracks and all car parking areas throughout the estate shall be provided for the further written approval of the Planning Authority in consultation with Historic Scotland. The details as approved shall be implemented as part of the site development and prior to the castle being operated as a 12 suite boutique hotel.
44. Prior to any re-alignment of the existing driveway, full details of the proposed revised main drive position to the west of the Castle shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland and the details as approved shall be implemented as part of the site development. These details shall demonstrate the impact on topography and trees which the new drive position to the west of the Castle will have.
45. Prior to the commencement of development of the Scandinavian Spa, details and specifications of all proposed finishing materials shall be submitted for the written approval of the Planning Authority. The details as approved shall be implemented as part of the site development.
46. Prior to the commencement of development, details and specifications of all proposed finishing materials

- for the estate properties shall be submitted for the written approval of the Planning Authority. The details as approved shall be implemented as part of the site development.
47. Prior to the commencement of development of the equestrian centre, details and specifications of all proposed finishing materials shall be submitted for the written approval of the Planning Authority. The details as approved shall be implemented as part of the site development.
 48. The estate properties proposed in Zone 1 on the masterplan (A-01-03, A-02-03, A03-03, A-03-04) are not approved.
 49. A revised layout for the equestrian centre shall be submitted prior to development commencing in that area to ensure a vehicle parking area is provided.
 50. Prior to the commencement of development of the golf clubhouse, details and specifications of all proposed finishing materials shall be submitted for the written approval of the Planning Authority. The details as approved shall be implemented as part of the site development.
 51. The estate properties located in Zone 7 (drwg ref: 11/00533/8) and on the masterplan (B-20-03, B-21-03, B-22-03) are not approved. Estate properties B-21-10 and B22-10 shall be relocated to Zone 2 (drwg ref: 11/00533/3) adjacent to B-01-03 and B-11-03. A revised masterplan and Zone 2 and 7 site plan shall be submitted for the written approval of the Planning Authority prior to the commencement of development in either of these zones.
 52. The formal car parking areas proposed on the eastern side of the access track serving properties G-01-03 to G-10-03 in Zone 10 and 11 (drwg ref: 11/00533/11, 11/00533/12) are not approved and these shall be revised to less formal gravel parking areas. A revised masterplan and Zone 10 and 11 site plan shall be submitted for the written approval of the Planning Authority prior to the commencement of development in either of these zones. The details as approved shall be implemented as part of the site development.
 53. The details of the new bridge over the Taymouth Burn are not approved. Prior to the commencement of any works within Zone 8 (drwg ref: 11/00533/9) and Zone 9 (drwg ref: 11/00533/10) a revised design shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The revised design shall utilise a timber

balustrade and shall be based upon that discussed at the meeting of 24 May 2011.

Archaeology

54. No development shall take place within the development site as outlined in red on the approved plan (11/00531/1) for those elements approved under this consent until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted 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.

Flooding

55. The finished floor levels of estate properties C-15-01, C-14-01 and D-11-01 as identified on the masterplan and within site plan Zone 8 (drwg ref: 11/00533/9) shall be (C-15-01 114m), (C-14-01 112.6m), (D-11-01 111.1m). The mitigation measures outlined within the Flood Risk Assessment prepared by Millard Consulting dated March 2011 and contained within the Supplementary Environmental Statement shall be strictly adhered to.

Management

56. Prior to the occupation of any estate property, the applicant shall submit full details of the management/title deeds which link every estate property to the wider Taymouth Castle Estate. These details shall be submitted and agreed in writing with the Planning Authority prior to the occupation of any of the estate properties. Every estate property on the application site shall enter into this management agreement and be subject to these title deeds. This agreement between the estate and each estate property shall be maintained in perpetuity.
57. Prior to the occupation of any of the approved development the applicants shall submit a Hotel Resort Operations Management Plan to address:
- flood risk management
 - waste management and recycling measures
 - major event traffic management/parking
 - guest parking and internal/short distance travel arrangements

- **security measures.**

All of the above shall be submitted for the written approval of the Planning Authority. The details as approved shall be strictly adhered to during the operation of the development hereby approved.

Transportation

58. Prior to the occupation of the any of the estate properties the geometry of the access at the Main Gate to the east of the site onto the A827 public road shall be upgraded to a standard to be agreed with the Council as Planning Authority. The details of this shall be submitted for the written approval of the Planning Authority.
59. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) 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 major commercial users 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; and
 - (o) arrangements for dealing with non-compliance.
- The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
60. Prior to the site becoming operational as a 12 suite boutique hotel, a Green Travel Plan Framework (GTPF) for staff across the hotel resort shall be prepared by the applicant and agreed in writing with the Planning Authority. The framework shall specify options for increasing sustainable transport usage. As part of this framework a Travel Plan Survey shall be carried out within 6 months of operations commencing. A finalised Travel Plan, based upon the findings of this survey, shall then be produced to include a target for percentage of staff travelling by means other than private car. This Travel Plan shall be submitted no more than 12 months from the site becoming operational as a 12 suite boutique hotel. That target percentage and Travel Plan shall be agreed in writing with the Planning Authority. This Travel Plan shall be reviewed annually for five years following the commencement of operations.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning

- control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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.
 3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
 4. This is approval of your application Ref No 11/00533/FLM for planning permission only. It does not include any approval for your related application for Listed Building Consent Ref No (11/00531/LBC). You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
 5. No work shall be commenced until an application for building warrant has been submitted and approved.
 6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to the 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.

First Amendment (Councillors L Caddell and J Kellas) – Grant, subject to conditions contained in Report 11/332 but subject also to Condition 48 being amended to allow the provision of the four units referred to therein but also allowing the possible relocation of these units within the area.

Second Amendment (Councillors A Wylie and C Gillies) – Defer, for the provision of further information regarding local staff

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accommodation with reference to Sustainable Economy Policy 9 of the Perth and Kinross Structure Plan 2003.

Second Amendment – 3 votes First Amendment – 6 votes

In accordance with the First Amendment.

Amendment – 6 votes Motion – 6 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:

In accordance with the Motion.

- (vii) **11/00531/LBC – KENMORE – Modification of existing consent 03/02250/PPLB for revised proposals within the East Wing to form health and beauty spa and 14 apartment suites and formation of hotel suite and external lift access in West Wing at Taymouth Castle, Kenmore – Taymouth Castle Estates Limited/Taymouth Estate Limited – Report 11/333**

Mr N Martin, agent on behalf of the applicant, followed by Mr J Miller, Kenmore and District Community Council; Mr D MacLehose; and Ms K McGregor, on behalf of Breadalbane Development Associates, Breadalbane Heritage Society and the James McLaren Society, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

Standard

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

West Wing

3. The plans submitted for the lift in the West Wing are not approved and revised plans showing the reduction in height of the lift shaft and link structure and the reduction in scale of the steel frame based upon the discussions at the meeting between the Council, Historic Scotland and the applicant's agent on 24 May 2011 shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The above

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information shall be submitted prior to the commencement of any works on the proposed lift shaft and glazed link element. The details as approved shall be implemented during the development of the site.

4. A specification and colour detail of the steel work within the lift shaft and glazed link shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The above information shall be submitted prior to the commencement of any works on the proposed lift shaft and glazed link element. The details as approved shall be implemented during the development of the site.
5. A detailed specification of the hand rails and external stair element at the lift area shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The above information shall be submitted prior to the commencement of any works on the proposed lift shaft and glazed link element. The details as approved shall be implemented during the development of the site.
6. The removal of stonework within the central area of the 2nd floor Breadalbane Suite in the West Wing to allow access to the main living space is not approved and a revised layout retaining this stonework shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland. This layout shall be based upon the details submitted in the e-mail dated 2 June 2011 from McKenzie Strickland Associates. The curved stair proposed to access the main living area is not considered appropriate and the revised layout should omit this. The above information shall be submitted prior to any internal alterations within the Breadalbane Suite. The details as approved shall be implemented during the development of the site.

East Wing

7. A detailed specification for the fenestration proposed within the original clock face area on the internal courtyard side of the south range of the East Wing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. These details shall be submitted prior to the suite which this window serves being brought into use. The details as approved shall be implemented during the development of the site.
8. The glazing proposed at ground floor level on the internal side of the south range of the East Wing is not approved. A revised fenestration arrangement for this area shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland to ensure that these openings are filled entirely with glazing. The

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- details shall be submitted prior to any works to this suite commencing. The details as approved shall be implemented during the development of the site.
9. The primary face of the main boiler which is retained on site shall be conserved and re-built as a display element within the public areas of the East Wing. Details of its proposed location shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland prior to any of the East Wing being brought into use.
 10. The basement vaulting which is to be removed at the west end of the internal courtyard on the East Wing shall be surveyed, photographed and recorded prior to its demolition and details of this survey work shall be submitted for the records of the Planning Authority.
 11. The new windows on the north elevation of the East Wing shall be installed within existing openings and no alterations to these openings is permitted, other than the alterations to the doorways. The design detail of these windows is not approved. The design of these windows shall be as per the original profile with 4 panes in the top sash and 6 panes in the bottom sash with a horizontal emphasis known as a "lying pane". Detailed plans for these windows based upon the above shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland prior to the installation of any windows on this elevation.
 12. The six windows on the north facing courtyard of the south range of the East Wing adjacent to the swimming pool area, as indicated on drawing Section C-C (drwg ref: 11/00531/15), are not approved and a revised elevation showing the re-use of the existing window openings shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The details as approved shall be implemented as part of the site development.
 13. Any stonework removed shall be re-used in any alteration works within the East Wing.
 14. The new opening proposed between the cart shed arches on the internal south facing elevation of the East Wing as indicated on drawing Section D-D (drwg ref 11/00533/16) is not approved. The cart shed arch shall be utilised as the main entrance to this suite and a revised Section D-D drawing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland to show this. The details as approved shall be implemented as part of the site development.
 15. The glass roof over the corridor on the north range of the East Wing as indicated on drawing Section D-D (drwg ref: 11/00533/16) and Roof Plan drawing (drwg ref:

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11/00531/12) is not approved. A revised Section D-D and Roof Plan shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland omitting this glass roof. The details as approved shall be implemented as part of the site development.

16. Prior to works commencing on the East Wing a specification of the lime render to be used on the East Wing shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland. The details as approved shall be implemented during the site development.
17. The cast iron cellar wine racks within the lower ground floor cellars shall be retained in-situ to the satisfaction of the Council as Planning Authority.
18. No elevation for the courtyard side of the east range of the East Wing has been submitted. A detailed, scaled elevation plan for this part of the East Wing shall be submitted for the written approval of the Planning Authority in consultation with Historic Scotland prior to the commencement of any works on the East Wing.

Castle

19. The internal areas of the entire Castle shall be inspected for any remaining internal historic features, including fireplaces, plasterwork, joinery details, doors, shutters and plasterwork prior to the commencement of development in this area and the Planning Authority shall be informed of any historic elements found. Any historic elements found shall be retained and accommodated within the new development.
20. An updated fabric survey (based on the 2005 Conservation Plan Appendix 4 Fabric Survey) submitted as part of application 03/02250/PPLB to demonstrate what external repair issues are still outstanding shall be submitted prior to the castle being brought into use as a 12 suite boutique hotel.

JUSTIFICATION

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

PROCEDURAL NOTES

The property is listed Category A, Item 34, Kenmore Parish. It is therefore necessary to submit the application to Historic Scotland for ratification of the Council's decision.

INFORMATIVES

No work shall be commenced until an application for building warrant has been submitted and approved.

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FOLLOWING A SHORT ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

(2) Local Applications

(i) 09/01496/FLL – KINFAUNS – Conversion of vacant redundant church to dwellinghouse at Kinfauns Church, Kinfauns – Newhouse Developments Ltd – Report 11/334

Mr R Hutton, agent on behalf of the applicant, followed by Mrs J McGlenn, on behalf of a group of residents of Kinfauns village; Mrs M Ferguson; and Ms P Bailie, on behalf of Mr I Bailie, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and B Band) – Refuse on the grounds that:

- (i) the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000) in that it would be incompatible with the existing use of surrounding land as a working graveyard; and**
- (ii) there is a lack of domestic amenity in so far as there is insufficient garden ground.**

Amendment (Councillors J Kellas and D Scott) – Grant, subject to the conditions contained in Report 11/334.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

(ii) 10/01538/FLL – GLENFARG – Erection of 4 dwellinghouses and garages at Hilton of Duncreevie, Glenfarg – G S Brown Limited – Report 11/335

Mr A Johnston, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and additional conditions Nos. 12 and 13:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise

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- provided for by conditions imposed on the planning consent.
3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
 4. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
 5. Visibility splays of 4.50m x 60.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the U66 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
 6. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
 7. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
 8. Prior to occupation of the final dwellinghouse of the proposal hereby approved, all recommendations outlined in the Tree Survey and Arboricultural Constraints and Biodiversity Management Report by Alan Motion, submitted as part of the application hereby approved, shall be fully implemented to the satisfaction of the Planning Authority .
 9. Prior to commencement of work on site the applicant shall submit full design details of a Sustainable Urban Drainage System (SUDs) in accordance with best management practice. These details shall be agreed in writing by the Council as Planning Authority prior to the commencement of work on the site.
 10. A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all tree planting shall be submitted and approved in writing by the Planning Authority before work is commenced on site. The scheme as approved shall be fully implemented prior to the occupation of any of the units.
 11. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing

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by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- (i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage;
 - (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 remediation measures.
12. Intervisible passing places constructed to the standards and specification required by Roads Authority shall be provided on the U66 Duncraevie-Hilton-Glendy Mill Road at locations to be agreed by the Council as Roads Authority to the satisfaction of the Planning Authority all prior to the commencement of works on site.
13. Advanced warning signs to comply with sign N0.55.1 (accompanied horses or ponies likely to be crossing the road ahead) of the Traffic Signs Regulations and General Directions 2202 shall be positioned on the public road in places to be agreed in writing with the Roads Authority to the satisfaction of the Planning Authority and such signs and positions agreed shall be fully installed prior to the commencement of any works on site.

Justification

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the

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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.

(iii) 10/02049/AML – CLATHY – Erection of 3 Dwellinghouses Land to the North West of Bearn Larach, Clathy – Mr Kenneth Simpson – Report 11/336

Ms J Carter, agent on behalf of the applicant, followed by Ms C Flanagan and Mr J Smith, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The Planning Permission in Principle for this development lapses on the expiration of two years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained all to the satisfaction of the Council as Planning Authority.
4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size or species all to the satisfaction of the Council as Planning Authority.
5. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
6. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
7. Prior to the occupation or use of the approved development a minimum of 2 car parking spaces shall be provided within each house site.

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8. Where any works to the access or any new services pass through the root area of the existing sycamore tree adjoining the site access, the method of hand digging shall be adopted to the satisfaction of the Council as Planning Authority.

Justification

The proposal is considered to comply with the terms of the Development Plan, subject to conditions and no material considerations exist which would outweigh the contents of the Development Plan.

Procedural Notes

Consent shall not be issued until such time as a financial payment is made to meet the education contribution or a Section 75 Agreement is completed for a deferred payment.

Informatives

1. The applicant is 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.
 2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
 3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- (iv) **11/00618/AML – BLAIRGOWRIE – Erection of a dwellinghouse and detached garage at site formerly occupied by ‘Leewood’, Golf Course Road, Blairgowrie – Mr Campbell Christie – Report 11/337**

Mr C Christie, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

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1. The Planning Permission in Principle for this development lapses on the expiration of two years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All existing hedges and trees along the site boundaries shall be retained at their existing heights, unless otherwise agreed in writing by the Council as Planning Authority.
4. Prior to the occupation of the dwellinghouse, the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
5. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road, to the satisfaction of the Council as Planning Authority.
6. Prior to the occupation of the dwellinghouse, turning facilities shall be provided (and thereafter retained) within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
7. Prior to the commencement of any works on site precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved finishes shall be implemented in full to the satisfaction of the Council as Planning Authority.
8. The garage shall be used for domestic purposes only, to the satisfaction of the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons not to support the application.

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

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123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The applicant is 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.

(3) Applications with Council Interest

- (i) 11/00452/LBC – PERTH – Refurbishment of sash and case windows at Craigie Primary School, 15 Abbot Street, Perth – Perth and Kinross Council – Report 11/338**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. For the avoidance of any doubt the glass shall be puttied into the window frames/astragals all to the reasonable satisfaction of the Planning Authority.

Justification

It is considered that the development complies with the relevant provision of the adopted local plan as well as the listed building legislation and supplementary planning guidance. It is therefore recommended for approval subject to conditions.

Procedural Notes

As the application involves work to Category C(s) Listed Building in the Council's ownership, the application requires to be referred to Historic Scotland for determination.

- (ii) 11/00498/FLL – BLAIRGOWRIE – Alterations, extension, revised car parking area and installation of sprinkler tank and system at Blairgowrie High School, Beeches Road, Blairgowrie – Perth and Kinross Council – Report 11/339**

Resolved:

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Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of any works on site a detailed landscaping plan for the car park shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.
4. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive property, with all windows slightly open, when measured and/or calculated and plotted on a Noise Rating curve chart, all to the satisfaction of the Council as Planning Authority.
5. Prior to the commencement of any works on site precise details (including timings) of the siting of any site compound and / or temporary structures which are required for the construction phase shall be submitted for the approval in writing by the Council as Planning Authority.
6. Prior to the commencement of any works on site, precise details of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

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2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

(iii) 11/00506/LBC – PERTH – Alterations and Replacement of Fire Escape Handrail, Kinnoull Primary School, Dundee Road, Perth – Perth and Kinross Council – Report 11/340

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.

Justification

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

Procedural Notes

As the application involves work to a Listed Building in the Council's ownership, then it requires to be referred to Historic Scotland for determination.

(iv) 11/00763/FLL – PERTH – Alterations and Replacement of Fire Escape Handrail, Kinnoull Primary School, Dundee Road, Perth – Perth and Kinross Council – Report 11/341

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.

Justification

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

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Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This is approval of your application Ref no 11/00763/FLL for planning permission only. It does not include any approval for your related application for Listed Building Consent Ref no 11/00506/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.

- (v) **11/00507/FLL – PERTH – Change of use and alterations to former public toilets to form cafe outlet at Mill Street, Perth – Giraffe Trading CIC – Report 11/342**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of development details of the finish to the external walls, canopy, window frames and doors shall be submitted in writing to the local Planning Authority for approval in writing. Thereafter the development shall be implemented in accordance with the approved plans/details all to the satisfaction of the local Planning Authority.
4. Full details of the ventilation system to be installed shall be submitted to the Planning Authority for approval in writing prior to commencement of development.
5. For the avoidance of any doubt an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that

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cooking odours are not exhausted into or escape into any neighbouring dwellings all to the satisfaction of the local Planning Authority.

6. All plant or equipment including any ventilation system associated with operation of the business shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
7. The delivery of goods to the premises shall take place between 7am to 9pm Mondays to Saturdays and at no other time.
8. The soundproofing of the premises and the control of amplified sound shall be such that no amplified sound is audible in any nearby noise sensitive property.
9. Prior to the commencement of trading a strategy to deal with the commercial waste from the premises shall be submitted to the Planning Authority for approval in writing. This shall detail how and where waste will be stored as well as the envisaged collection from the site. Once approved the strategy shall be implemented in accordance with the approved details all to the satisfaction of the Local Planning Authority.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

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