

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 14 September at 10.00am.

Present: Councillors T Gray (Convener), B Band, (Vice-Convener), H Anderson, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle and G Walker.

In Attendance: A Belford, N Brian, S Callan, A Condliffe, A Deans, C Petrie and M Petrie (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor M Barnacle

Councillor T Gray, Convener, Presiding.

625. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

626. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Art. 629(3)(ii) in terms of the Councillors' Code of Conduct.

627. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 10 August 2016 (Arts. 561-566) was submitted, approved as a correct record and authorised for signature.

628. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications.

Planning Application No.	Art. No.
15/01512/FLM	629(2)(i)
15/01972/FLL	629(3)(i)
16/00996/FLL	629(3)(ii)
16/01100/FLL	629(3)(iii)

629. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

IN TERMS OF STANDING ORDER 47, THE COMMITTEE UNANIMOUSLY AGREED TO SUSPEND THE STANDING ORDERS TO ALLOW CONSIDERATION OF THE FOLLOWING ITEM ON WHICH A DECISION HAD BEEN TAKEN WITHIN THE PREVIOUS SIX MONTHS

- (i) 15/01109/FLM – PERTH – Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park, Perth – Report 16/386 – Bertha Park Ltd**

Resolved:

The revised conditions as set out below, be approved:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.
3. Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
4. Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
5. No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.
6. The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by the Planning Authority prior to its

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instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.
8. Development shall not commence apart from the extraction of the economic mineral resource until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
9. Development shall not commence apart from the extraction of the economic mineral resource until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.
10. Prior to commencement of any works apart from the extraction of the economic mineral resource, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

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11. For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.
12. Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.
13. Prior to the commencement of development apart from the extraction of the economic mineral resource a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.
14. Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines and substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) Details of areas of public open space.

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- i) Details of areas for allotments.
- j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

15. Prior to the commencement of development a detailed plan of public access across the site including phasing and implementation (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:
 - a) All existing paths, tracks & rights of way.
 - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
 - c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
 - d) Any diversions of paths - temporary or permanent-proposed for the purposes of the development
 - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.
16. No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.
17. No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and

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- contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.
18. No development shall commence apart from the extraction of the economic mineral resource until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.
 19. No development shall commence apart from the extraction of the economic mineral resource until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
 20. No development associated with the extraction of the economic mineral resource shall take place until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
 21. No development shall commence until a detailed specification for the emergency/secondary access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency/secondary access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.
 22. Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any

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impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

23. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
24. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.
25. Prior to the commencement of development apart from the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
26. Prior to the commencement of the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for

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the extraction of the economic mineral resource.

Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

27. Two months prior to the commencement of the development, apart from the extraction of the economic mineral resource an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
 - e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
 - f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.
28. Two months prior to the commencement of the extraction of the economic mineral resource, an independent and

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suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the extraction of the economic mineral resource area, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to extraction of the economic mineral resource area. The ECOW shall undertake a watching brief throughout the extraction of the economic mineral resource area and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

29. No development shall take place apart from the extraction of the economic mineral resource until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified

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ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

30. No development associated with the extraction of the economic mineral resource shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

31. No development shall take place apart from the extraction of the economic mineral resource, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.

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- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

32. No development associated with the extraction of the economic mineral resource shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

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33. No development apart from the extraction of the economic mineral resource shall take place until the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
34. No development shall commence apart from the extraction of the economic mineral resource until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.
35. No works in connection with the development hereby approved apart from the extraction of the economic mineral resource shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.
36. No development apart from the extraction of the economic mineral resource shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. 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 consultation with Perth and Kinross Heritage Trust.
37. No development associated with the extraction of the economic mineral resource shall take place until the developer has secured the implementation of a programme of archaeological works for the economic

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mineral resource extraction area in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. 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 consultation with Perth and Kinross Heritage Trust.

38. Prior to the commencement of the development apart from the extraction of the economic mineral resource, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

39. Prior to the commencement of development apart from the extraction of the economic mineral resource, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the Planning Authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.
40. For any commercial kitchen, 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 cooking odours are not exhausted into or escape into any neighbouring dwellings.
41. 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 20 between 2300 and 0700 hours daily, within any

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- neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
42. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.
43. Noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 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.
44. For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
45. Prior to the commencement of development apart from the extraction of the economic mineral resource, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- a) The nature, extent and type(s) of contamination on the site.
 - b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c) Measures to deal with contamination during construction works.
 - d) Condition of the site on completion of decontamination measures.
46. Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.
47. Prior to the commencement of development apart from the extraction of the economic mineral resource a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district

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heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

(2) Major Applications

(i) 15/01512/FLM – KINROSS – Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works on land north west of Lathro Farm, Kinross – Report 16/387 – Persimmon Homes

Mr I McGouldrick, agent, addressed the Committee and following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an updated informative 1 and additional informative as undernoted:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed detail shall thereafter be implemented prior to the completion of the development.
4. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992

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(as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings, namely plot nos.29-32, 37-40, 55-58, 93-96, 104-107, 119-122, 138-141, 152-159, 181-184, 297-300 of the approved Site Layout Plan.

5. The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
7. The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
8. Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
9. Prior to the commencement of development full details of proposed site boundary openings forming new accesses onto both the A922 and Gallowhill Road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

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10. Prior to commencement of development, details of the frontage landscaping treatment along the M90 trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
11. Prior to the occupation of the development, a barrier/boundary feature of a type approved by the Planning Authority in consultation with Transport Scotland shall be provided and maintained along the proposed boundary of the site with the M90 trunk road.
12. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan otherwise agreed in writing by the Planning Authority.
13. Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the M90 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
14. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
15. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.
16. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

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17. Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.
18. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.
19. Prior to the commencement of development the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Councils Flooding Team.
20. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
21. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. The CEMP shall be updated and submitted not less than two months prior to the commencement of the second phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
22. No development shall take place within the development site as outlined in red on the approved plan until the

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developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

23. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken.
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

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

24. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
25. Prior to the commencement of development detailed design of the earth bunding and acoustic barriers along the M90 boundary shall be submitted in writing to the Planning Authority for approval before the development commences so that together with existing landscape features noise levels within habitable rooms of proposed dwellings on the western part of the development are reduced.

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26. As recommended in Section 7 of the Environmental Statement, trickle ventilators shall be installed with passive extract ventilation systems to all habitable rooms within line of sight to the M90 trunk road and South Street, Milnathort to provide acoustic attenuation of up to 42 dBDn, in its open position.
27. Prior to the commencement of development a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
28. Prior to the commencement of development details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling.
29. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
30. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
31. Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

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32. No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
33. Pre-construction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect said protected species and nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the Planning Authority.
Where ecological surveys have identified the potential presence of roosting bats, no activities that could result in disturbance (such as tree felling, or associated operations) shall be carried out between the dates of 1st April and 1st October in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
34. Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in the landscape plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.
35. All landscape maintenance measures shall be carried out in accordance with the details contained in the landscape plans as already submitted with the planning application and agreed with the Planning Authority.
36. All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.

Justification

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

Procedural note

Consent shall not to be issued until a Section 69 Agreement (Local Government) Act 1973 or Section 75 Agreement has been agreed between the applicant and the Council for a financial contribution towards a road improvement scheme that mitigates the impact of the proposed development on the local road network. The details of this provision shall be agreed in writing with the Planning Authority in consultation with the local members.

Informatives

1. This planning permission will last only for ten years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
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.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 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

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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.
5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
 6. The developer is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
 7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
 8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
 9. 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 Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 10. No work shall be commenced until an application for building warrant has been submitted and approved.
 11. The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
 12. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel

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the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

13. No work shall be commenced until a s69 or section 75 agreement has been entered in to identifying an appropriate financial contribution towards local road network improvements.

- (ii) **16/00696/FLM – PERTH – Renewal of permission 09/02126/FLM (erection of a retail superstore (class 1) and petrol filling station with associated landscape treatment and engineering works) land south west of Dobbies Garden Centre, East Huntingtower, Perth - Report 16/388 - Graham + Sibbald**

Resolved:

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

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning permission.
2. Notwithstanding the details shown on the drawings hereby approved, no permission is granted for the petrol filling station, car wash, landscaping and associated works.
3. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the gross floor area of the permitted development shall not exceed 9,533sqm.
4. The net sales floor area of the supermarket shall be made up of a minimum of 65% for the sale of food and a maximum of 35% for the sale of non-food unless otherwise agreed in writing by the Planning Authority.
5. No internal comparison units (e.g. opticians, travel agents, pharmacies, etc) shall be formed within the retail unit hereby approved without the prior written agreement of the Council as Planning Authority.
6. No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust,

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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 service, shall be submitted to and approved in writing by the Planning Authority, after satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

7. Prior to the commencement of any development on site a detailed scheme design and specification for modifications to the A85 corridor between the site access junction and the A85/Newhouse Road junction (inclusive), generally in accordance with the 09/02126/46 approval, shall be submitted to and approved by the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland.
8. The traffic signals associated with the works indicated in Condition 7 shall incorporate either MOVA control, or other approved means of dynamic control and queue detection (e.g. SCOOT), to the satisfaction of the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland.
9. Prior to the occupation of any part of the development the modifications to the A85 corridor between the site access junction and the A85/Newhouse Road junction (inclusive) shall be completed in accordance with the approved plans, referred to in Condition 7 above, to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
10. Prior to the commencement of any development on site a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the site and shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan.
11. Prior to the commencement of any development on site proposals for the provision of either new or extended bus services to serve the development, including details of operating hours, frequency of service, route and timescale for introduction, together with evidence of an agreement with a public transport operator to provide this, shall be submitted to and approved in writing by the Planning Authority in consultation with the Local Roads Authority and Transport Scotland.

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12. Concomitant with the occupation of any part of the development hereby approved the agreed bus services referred to in Condition 11 shall be introduced.
13. Prior to the commencement of the development a sample of each of the external finishing materials shall be submitted for the approval of the Council as Planning Authority.
14. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of any site works and construction shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted. The on-site scheme as subsequently approved shall be carried out and completed within the first available planting season after the completion of the development hereby approved with the off-site planting scheme being completed within the first available planting season after the commencement of works on site; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority
15. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Council as Planning Authority.
16. Prior to the occupation or use of the approved development all matters regarding internal access, car parking, cycle 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.
17. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
18. All plant and equipment to be installed or operated in connection with the granting of this permission shall be so enclosed, attenuated and/ or maintained such that any noise therefrom 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, all to the satisfaction of the Planning Authority.

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19. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
20. Hours of operation will be limited to 0700-2300 Mondays to Saturdays and 0800-2000 Sundays but with extended hours of 0600-0000 during December unless otherwise agreed in writing by the Council as Planning Authority.
21. Prior to the commencement of the development, full details of an acoustic barrier to be erected around the service yard and capable of reducing noise levels by 5-10 dB shall be submitted for further approval of the Planning Authority. The barrier should be sufficiently high to obscure direct line of sight between the noise source and the upper floor windows of the houses along Errochty Grove. The acoustic barrier as subsequently agreed shall be installed prior to the store hereby approved being brought into use and the barrier shall be maintained to the satisfaction of the Council as Planning Authority for the term of the development.
22. Servicing of the recycling facilities shall be limited to 0800 hours to 1900 hours Monday to Friday and 0900 to 1300 on Saturdays unless otherwise agreed in writing with the Planning Authority.
23. 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 cooking odours are not exhausted into or escape into any neighbouring dwellings.
24. Details of all lighting and advertising features within the site shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management.

Justification

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

Procedural Notes

The decision notice shall not be issued until the requisite Section 75 agreement is updated, signed and appropriately recorded to reflect the current planning reference 16/00696/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions

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policy and will be ultimately recommended for refusal under delegated powers.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
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.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 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.
5. Should consent incorporating the archaeological condition be granted, the developer should contact the Area Archaeologist as soon as possible. The procedure for work required can be explained and Terms of Reference prepared.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. The applicant is advised that in terms of Sections 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 Environmental Protection Agency.

8. The applicant is advised he must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
9. All signage proposed on the building shall be subject to a separate application for Display of Advertisement Consent.
10. There is evidence of Japanese Knotweed present on the site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

COUNCILLOR I CAMPBELL, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, RETIRED TO THE PUBLIC BENCHES

(3) Local Applications

- (i) **15/01972/FLL – LOGIERAIT – Formation of mine for the extraction of minerals, erection of associated service buildings, formation of transfer site (including processing operations), access track, haul road and borrow pits and associated restoration at land at Duntanlich, Logierait – Report 16/389 -**

Councillor I Campbell, on behalf of objectors to the application, Mr J Fry and Ms C Boisson, objectors to the application, followed by Mr I Hughes, agent and Mr R Latimer, agent, addressed the Committee and, following their respective representations, withdrew to the public benches.

COUNCILLOR I CAMPBELL LEFT THE MEETING AT THIS POINT

Motion (Councillors T Gray and J Kellas) – Grant, subject to the following terms, conditions and informatives, including an amended procedural note as undernoted:

1. **The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this permission.**

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2. All mining operations and associated decommissioning and restoration shall be completed not more than 50 years from the date of commencement of the development (as indicated on the 'Notice of Initiation of Development'). For the avoidance of doubt, the 50 years associated with this condition includes construction, mining operations, restoration, decommissioning and removal of all associated ancillary development.
3. Prior to the commencement of the development hereby approved, full details of all proposed building structures above ground at the mine platform and the transfer site shall be submitted to and agreed in writing by the Council as Planning Authority. The detailing as agreed shall be thereafter implemented prior to the operational use of the development.
4. Haulage of ore to the transfer site, processing at the transfer site and despatch shall be limited to 07.00 to 19.00 Monday to Friday.
5. The total volume of mineral extracted from the mine shall not exceed 180,000 tonnes of ore in any calendar year. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.
6. The underground mining operations shall not advance beyond the extent of underground working parameters identified on plan reference (15/01972/3), figure 2.3 dated 15/10/15.
7. For the avoidance of doubt, the mine portal as identified on approved plan (Figure 3.3) shall remain the only vehicular point of access and egress to the mine and there shall be no new or additional entrances created without prior approval.
8. A minimum of two months prior to the commencement of development, a detailed Environment Management Plan (EMP) incorporating an Aftercare Monitoring Plan (AMP) addressing all phases of the construction and mining operations will be submitted to the Council as Planning Authority for approval in writing, in consultation with key stakeholders as deemed appropriate. The EMP shall incorporate:

 - Detailed construction methods of compounds and tracks.
 - Detailed plans and sections of the access track at chainages identified in Annex 3.5 (May 2016).
 - Detailed routing location of bridges.

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- Detailed Location and extent of the construction corridor.
- Detailed Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary).
- Detailed Site Access Management Plan (SAMP).
- Detailed Drainage Management Plan (DMP).
- Detailed progressive restoration proposals for all habitats.
- An AMP providing a methodology for developing avoidance and mitigation measures to address any adverse landscape effects during construction. Restoration Monitoring Reports shall be submitted by July in years 1, 3 and 5 and shall include recommendations for any further restoration and/or intervention to be implemented by September in that year.
- A methodology for developing avoidance and mitigation measures to address any adverse landscape effects identified during the course of monitoring.
- Detailed design of mitigation measures, including mitigation measures outlined in Annex 3.5 (May 2016)

Thereafter, the development shall be undertaken fully in accordance with the EMP unless otherwise agreed in writing by the Council as Planning Authority.

9. The development hereby approved shall not commence until independent and suitably qualified Ecological/Landscape/Environmental Clerk of Works (E/L/EnvCoW) professional/s have been appointed at the developers' expense. Details of this/these appointment/s shall be subject to the prior written agreement of the Council as Planning Authority. The person or persons appointed shall only be replaced in full cognisance of this condition and the post/s shall not be vacant at any time, for the duration and subsequent restoration of the proposed development. The E/L/EnvCoW shall have responsibility for the following:

- a) Implementation of the Environmental Management Plan (EMP) required by this permission.
- b) Implementation of the Aftercare Monitoring Plan (AMP) required by this permission, including specific measures for environmental monitoring post construction, shall be submitted for the further written approval of

the Council as Planning Authority in consultation with SNH and/or SEPA. The AMP shall include:

- **Submission of a Restoration Monitoring Report to be carried out by the end of July in years 1, 3 and 5.**
 - **Recommendations for further restoration and/or intervention should be implemented in full by the end of September in years 1, 3 and 5.**
- c) An empowered watching brief and involvement in decisions over key development stages directing the micro-siting of significant elements of the scheme to minimise impact on natural heritage and visual amenity.**
- d) Authorisation to stop operations or amend working practices in the interests of natural heritage. Any amendments which result in a required revision of the EMP shall be submitted to the Council as Planning Authority within 1 calendar month of the revision date.**
- e) Notifying the Council as Planning Authority in writing of any requirement to halt construction in relation to this condition as soon as reasonably practicable.**
- f) Providing an ecological/ landscape and environmental tool box talk for staff prior to the commencement of development (with follow up sessions as deemed appropriate throughout the duration of the development).**
- g) Identifying supplementary landscaping mitigation opportunities in and around sensitive and publicly visible locations in consultation with the Council as Planning Authority, to feed into detailed landscaping plans.**
- h) Undertaking weekly visits to the development site at a time of their choosing for the duration of the construction elements. No notification of this visit is required to be given to the developer or contractor.**
- i) With regard to the construction phase, within 10 working days of the end of each calendar month, submission of a detailed monthly report (augmented by photographic record evidencing findings) for the review of the Council as Planning Authority in consultation with SEPA and SNH.**

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- j) Upon completion of construction elements, the E/L/EnvCoW can restrict visits to bi-annual (spring and autumn) to inform the ISPP and assess ongoing development impact.
- k) Upon completion of construction elements the E/L/EnvCoW shall submit annual reports, including a photographic record to the Council as Planning Authority for consultation with appropriate stakeholders.

The above shall be adhered to throughout the construction, mineral extraction, de-commissioning and restoration phases of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority.

10. Prior to the haulage of any barite ore from the proposed mine site to the transfer site, details of the colour and lighting of operational haulage vehicles shall be agreed in writing with the Council as Planning Authority, in consultation with SNH. Thereafter, the details as agreed shall be implemented for the duration of the mining operations, unless otherwise agreed in writing by the Planning Authority.

11. Prior to the commencement of the development hereby approved, detailed landscaping and planting schemes for individual key agreed areas (in consultation) shall be submitted for the further written approval of the Council as Planning Authority, in consultation with SNH and SEPA (as required), including as a minimum:

- the mine site platform,
- transfer site,
- access and haul road sections.

The schemes shall include details of the height and slopes of any mounding or re-contouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The schemes as approved shall be carried out and completed within the first available planting season (October to March) and prior to the operational phase of development. The date of practical completion of the landscaping schemes shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The schemes as agreed and implemented shall thereafter be maintained for the duration of this planning permission unless otherwise agreed in writing with the Council as Planning Authority.

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- 12. Prior to the commencement of development, detailed tree surveys relating to pre-agreed key sections of the haul road, access track and transfer site shall be undertaken, identifying the extents of felling required, and submitted for approval in writing by the Council as Planning Authority, in consultation with SNH.**
- 13. Affected trees identified for retention following the satisfactory conclusion of condition 12, shall be protected in accordance with BS 5837: 2012 *'Trees in relation to design, demolition and construction'*. Approved tree protection measures shall not be removed breached or altered without prior written authorisation from the Council as Planning Authority but shall remain in a functional condition throughout the entire phase of construction. If agreed protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.**
- 14. Prior to commencement of development, details identifying a minimum of 1.2Ha of compensatory tree planting shall be submitted to the Council as Planning Authority for approval in writing, in consultation with Forestry Commission Scotland. The compensatory planting measures as agreed shall thereafter be undertaken within 3 years of the commencement of development.**
- 15. No construction works, including vegetation clearance, tree felling or subsequent decommissioning shall take place without pre-felling/construction surveys of protected species being undertaken as required. Survey results and any necessary mitigation or licensing measures shall be incorporated into a Species Protection Plan (SPP) and submitted for written approval by the Council as Planning Authority, in consultation with RSPB and SNH. The initial SPP as agreed shall thereafter be adhered to throughout the period of construction works taking place.**
- 16. Prior to the commencement of development a Species Protection Plan (SPP) shall be submitted to and approved in writing by, the Council as Planning Authority. The purpose of the SPP shall be to ensure that protected species are taken into account throughout the development. The content of the SPP shall include the following:**

 - Aims and objectives of monitoring to match the stated purpose.**

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- Identification of baseline conditions prior to the start of development.
- Appropriate targets against which the effectiveness of the SPP can be judged.
- Methods for data gathering and analysis.
- Species monitoring for 3 years.
- Location of monitoring.
- Identification of responsible persons and lines of communication.
- Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Council as Planning Authority after the initial 3 years of monitoring. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) contingencies and/or remedial action as appropriate, for written agreement with the Council as Planning Authority. Such agreed measures shall be implemented so that the development remains in full compliance with wildlife legislation and best practice. Thereafter, an Interim Species Protection Plan (ISPP) shall be submitted every 10 years after the commencement of development to ensure continued compliance and provide the opportunity to monitor the introduction of any new species. Agreed actions from each ISPP shall be implemented within 6 months of each ISPP being submitted.

17. Prior to the commencement of development a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Council as Planning Authority in consultation with SNH and SEPA. Thereafter, the approved HMP shall be implemented and adhered to throughout the development. The HMP shall include measures to minimise impacts on peat and priority habitats.

18. All works shall be undertaken in a manner which considers wildlife, including measures to prevent access for wildlife or provide escape from operations, should be considered and incorporated at all times. As part of their remit, the appointed ECoW shall undertake toolbox talks to ensure operatives are aware of dangers to wildlife.

19. Prior to decommissioning of the site a Decommissioning Method Statement and Restoration Plan shall be submitted to and approved by the Council as Planning Authority in consultation with SNH and SEPA. The agreed method statement and

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- plan shall be implemented in full as part of the agreed decommissioning programme.
20. The approved Decommissioning Method Statement and Restoration Plan shall be overseen by an independent E/L/EnvCoW appointed under the same terms as specified in Condition 9.
 21. Mining operations shall have begun within 3 years of the date of commencement of development (as indicated on the 'Notice of Initiation of Development'). If mining operations have not commenced within this period, Condition 19 shall be discharged in full within 18 calendar months, in cognisance of Condition 20.
 22. If at any time after the commencement of mineral extraction, mining operations cease for more than a continuous calendar month, the site operator must notify the Council as Planning Authority in writing within one week, and thereafter notify in writing the subsequent date of re-commencement, within one week of the date of the re-commencement taking place. If at any time after the commencement of mineral extraction, the site is not mined for a continuous period of 12 months, the mine and all associated elements shall be regarded as abandoned. Should the mine be abandoned, Condition 19 shall be discharged in full within 18 calendar months, in cognisance of Condition 20.
 23. Prior to any despatch of the approved development, all matters associated with the new haul road and junction and improvements to the existing road network will be in accordance with the standards required by the Council as Roads Authority.
 24. Prior to the commencement of development, an agreement addressing liability for remedial work required as a result of damage to the C452 local road directly attributable to the construction phase of the development, and providing for pre and post-construction surveys of the said local road, shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Roads Authority.
 25. White noise alarms and/or audible vehicle reversing alarms, which only emit a warning if necessary (e.g. on an infrared signal which detects moving bodies to the rear of the vehicle), shall be employed on all on-site vehicles, until such times as alternative suitable measures are proposed, subject to the written approval of the Council as Planning Authority.

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- 26. Should any aspect of the development result in formal complaints from nearby residential properties, within 14 days of written request by the Council as Planning Authority, the developer shall instigate monitoring for noise vibration, dust or light pollution using independent specialist consultants as required (the scope of such monitoring to be agreed in advance). The report findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Any recommendations contained within the report and approved by the Council as Planning Authority shall be implemented by the developer within 28 days of written notification of such approval to the developer.**
- 27. A Dust Management Strategy as outlined in section 12.2.7.2 of the Environmental Statement shall be put in place prior to the operation of the mine, defined as the first movement of barite ore from the mine platform to the transfer site. Records of inspection and maintenance should be kept and made available on request in relation to this strategy.**
- 28. Prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Council as Planning Authority for written approval, in consultation with Environmental Health. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Council as Planning Authority.**
- 29. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm -1 in 95% of all blasts measured and no individual blast shall exceed a peak particle velocity of 12 mm -1 as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.**
- 30. Any permanent external lighting fixtures shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land or on surrounding watercourses and woodland, and that light spillage beyond the boundaries of the site is minimised.**

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31. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits: LAeq, 1 Hour 45 dB (free field).
32. Only the plant machinery and equipment specified in the supporting Noise Assessment R15.8847/2/RK (dated 17 September 2015) (or similar plant which generates no greater sound power levels) shall be used, unless otherwise agreed in writing with the Council as Planning Authority.
33. Prior to the commencement of operations, a Noise Management Plan (NMP) must be submitted to and approved in writing by the Council as Planning Authority, in consultation with Environmental Health. Thereafter the measures contained within the approved NMP shall be implemented, with records kept and made available on request by the Council as Planning Authority.
34. The developer shall ensure during the construction of the development that all surface water is controlled, treated and discharged under best practice principles of SUDS, all to the satisfaction of the Council as Planning Authority, in consultation with the Council as Flood Authority.
35. Prior to commencement of mining operations, a Water Environment Monitoring and Mitigation Plan (WEMP) shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA. Any approved recommendations of the WEMP shall thereafter be implemented by the developer, within a timescale agreed in writing by the Council as Planning Authority.
The WEMP shall set out monitoring parameters to measure the response of groundwater, in terms of level and quality to the proposed mining activity, both during development and following site abandonment.
Relevant surface water monitoring should also be included.
The WEMP shall detail:
 - The number of proposed groundwater and surface water monitoring points,
 - Defined monitoring locations,
 - Frequency of level monitoring and chemistry sampling,
 - The suite of proposed chemical analysis,
 - The collection, interpretation and reporting of data, and

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- **Provide mechanisms to secure mitigation of impacts should they occur.**
- 36. Within 6 months of cessation of mine operations and prior to closure (defined as completion of restoration and sealing of mine access), a revised WEMP shall be submitted for the written approval of the Council as Planning Authority in consultation with SEPA.**
- 37. Prior to the commencement of any development on site, the applicant shall provide details of the proposed nature and frequency of private water supply and drainage monitoring to the Council as Planning Authority in consultation with Environmental Health for written approval, covering the following:**
- **Primary baseline survey (prior to commencement),**
 - **During operations,**
 - **Subsequent to development completion,**
 - **The proposed methods of alerting affected individuals in the event of any contamination and alternative water supply arrangements identified should the development result in pollution or contamination.**
- 38. Prior to the commencement of any development on site, the following shall be submitted to the Council as Planning Authority:**
- a) Details of a bond or other financial instrument which will ensure that sufficient funds are available to meet the cost of implementing the removal of all development granted by this permission and the approved restoration scheme (relating to Condition 19)**
 - b) Confirmation by an independent Chartered Surveyor (whose appointment for this task has been approved by the Council as Planning Authority) that the amount of the bond or financial instrument is sufficient to meet the cost of the removal of all development granted by this permission and the site's restoration.**
- 39. The approved bond or financial instrument shall be maintained throughout the duration of the operation of the development hereby approved. At five-yearly intervals (as a minimum) from the commencement of the development, an independent review of the approved bond or financial instrument shall be carried out and submitted to the Council as Planning Authority. The Council as Planning Authority may direct that the approved bond or financial instrument**

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be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

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

- 1. Consent shall not be issued until a Section 75 Agreement, or an appropriate alternative means to the satisfaction of the Council, is in place to enable a financial guarantee to secure delivery of a Habitat Management Plan and the associated decommissioning of the mine and site restoration over the associated lifetime of the development. The legal agreement should be concluded and registered within 4 months of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed. This agreement shall include**
 - i) the maximum sum required**
 - ii) details of the financial guarantee which can either be by way of an ESCROW facility, restoration bond or bank guarantee,**
 - iii) requirement for the review of the maximum sum every five years (as a minimum) to ensure sufficient funds.**

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).**
- 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**

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and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 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 available to the public
 - Printed on durable material.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above legislation.
7. The applicant is advised to contact Perth and Kinross Heritage Trust as soon as possible to discuss the procedure of the archaeological works required and, as necessary have a written Terms of Reference prepared.
8. The applicant is advised that the archaeological response prepared is based on information held on the Perth and Kinross Historic Environment Record of archaeological sites and historic buildings, which is regularly updated.
9. The applicant is advised to pay due regard to PKC Flooding and Flood Risk Guidance Document (June 2014).
10. The applicant is advised to refer to Management of Extractive Waste (Scotland) Regulations 2010, where

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mandatory or 'deemed' conditions apply to this development.

- 11. No work associated with the approved building elements shall be commenced until an application for building warrant has been submitted and approved.**
- 12. In the interest of clarity, the following terms referred to in the attached conditions of consent are intended to mean the following:**
 - a) Construction – referring to all physical construction elements, including (but not exclusively);**
 - Mine site platform
 - Transfer site
 - Haul road
 - Access Track
 - b) Operations – all matters relating to mining, transfer, processing and despatch of the barite mineral.**
 - c) Restoration and Decommissioning - referring to the initial ongoing progressive restoration of the site during construction and final site restoration of all agreed matters following the cessation or abandonment of mining operations.**
 - d) Development – covering absolutely all matters pertaining to the consent, including construction, operations, restoration, decommissioning and post development monitoring.**

Amendment (Councillors A Livingstone and M Lyle):

Defer, for consideration by the applicant of any alternative route to the A9 which better serves the community.

In accordance with Standing Order 44, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors T Gray, B Band, H Anderson, D Cuthbert, A Gaunt, J Giacobazzi, J Kellas and G Walker.

3 members voted for the Amendment as follows:

Councillors C Gillies, A Livingstone and M Lyle.

Amendment – 3 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

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COUNCILLOR I CAMPBELL RETURNED TO THE MEETING AT THIS POINT

(ii) **16/00996/FLL – BALADO – Erection of 8 dwellinghouses and associated works on land south east of Beaufield, Balado – Report 16/360 – Greenfields Design Ltd**

Mr C Machan, objector the application, and Mr J Blair, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Resolved:

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

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this planning permission.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. Prior to the development hereby approved being completed or brought into use, 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.
4. Prior to the commencement of any works to the dwellinghouses hereby approved, the existing private access shall be widened and constructed at least to the level of bottoming, kerbing and base coating, in accordance with the standards required by the Council as Roads Authority.
5. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-
 - (a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote properties at Beaufield, Middle Balado and Gardener's Cottage, Turfhill has been installed.
 - (b) Following the installation of the foul drainage infrastructure at the remote property/properties, the development site shall only be occupied once

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the foul drainage infrastructure for the development site has been installed unless otherwise agreed in writing with the Council as Planning Authority.

For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained unless otherwise agreed in writing with the Council as Planning Authority.

6. Development shall not commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.
7. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
8. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, unless otherwise agreed in writing with this Planning Authority and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained unless otherwise agreed in writing with the Council as Planning Authority.
9. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection

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measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

10. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number unless otherwise agreed in writing with the Council as Planning Authority.
11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
12. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
13. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.
14. A street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution'. Details of the lighting system shall be submitted and agreed with the Council as Planning Authority prior to commencement of work.

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15. Prior to commencement of development full details of the rear balcony on plot 1 and proposed fencing along its mutual boundary with house 6, The Nurseries, shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented and maintained 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.

Procedural Notes

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

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5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should note SEPA's regulatory requirements:
 - Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).
 - Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at:
 - Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA, Tel. 01592 776910
7. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste. It is recommended that the developer contact the Community Waste Team to discuss waste requirements for this site.

(iii) 16/01100/FLL – PITLOCHRY – Erection of 12 flats on land west of Elm Court, Atholl Road, Pitlochry – Report 16/391 – G H Johnston Building Consultants Ltd

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M G Dilworth, objector to the application, and Mr G Johnston, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Motion (Councillors J Giacobazzi and G Walker) – Grant, subject to the following terms, conditions and informatives:

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.**
- 2. The dwellinghouses hereby approved shall be used for the purposes of affordable housing as defined in Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016.**
- 3. Prior to the commencement of the development hereby approved, a sample of render shall be submitted to and agreed in writing by the Council as Planning Authority. The render as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.**
- 4. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 12 cycles shall be provided within the site to the satisfaction of the Planning Authority.**
- 5. A full Drainage Impact Assessment is submitted to PKC as Planning Authority in consultation with PKC Flood Team for review and approval.**
- 6. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.**
- 7. Storm water drainage from all paved surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.**
- 8. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be**

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strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by 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 there from.

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).**
- 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.**
- 4. The applicant is advised that in terms of Sections 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.**
- 5. No work shall be commenced until an application for building warrant has been submitted and approved.**

Amendment (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the proposal is contrary to:

- 1. The Perth and Kinross Local Development Plan 2014, HE3A, in that by virtue of its design and scale, the**

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proposal is not appropriate to the appearance, character and setting of the conservation area.

2. The Perth and Kinross Local Development Plan 2014, PM1A and PM1B (a), (b) and (c) in that by virtue of its scale, the proposal constitutes overdevelopment of the site.

In accordance with Standing Order 44, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors T Gray, B Band, H Anderson, A Gaunt, J Giacobazzi, J Kellas, A Livingstone and G Walker.

4 members voted for the Amendment as follows:

Councillors I Campbell, D Cuthbert, C Gillies and M Lyle.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

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