

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually via Microsoft Teams on Wednesday 1 July 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, C Reid, C Stewart (substituting for C Purves), R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, J Scott, A Condliffe, D Salman, L Reid, A Rennie, C Elliott, D Williams, A Brown and A Taylor (all Corporate and Democratic Services); C Wright and S Watt (both IT).

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 3 June 2020 was submitted, approved as a correct record and authorised for signature.

4. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Item No.
19/01373/FLL	5(2)(i)
20/00096/FLL	5(2)(ii)
19/00917/FLM	5(3)(i)
20/00524/FLL	5(4)(i)

5. APPLICATIONS FOR DETERMINATION

IN TERMS OF STANDING ORDER 34, THE COMMITTEE AGREED TO VARY THE ORDER OF BUSINESS.

Following a combined presentation by Mr J Scott, Planning, on Items 5(1)(i), 5(2)(i) and 5(ii); Mr G Burke, objector; Councillor G Laing, Local Member; and

Mr A Boyd, WSP, on behalf of the applicant, addressed the Committee and answered Members questions via audio conference.

(2) Related Applications

- (i) **19/01373/FLL - STANLEY - Alterations to Public Road (B9099), formation of vehicular access and associated works, Land West of Taybank Cottage, Perth Road, Stanley – Report 20/110 – Muir Homes Ltd and Zurich Assurance Ltd**

Motion (Councillors R McCall and D Illingworth)

Grant, subject to the following conditions and informatives:

Conditions

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure that the development is carried out in accordance with the plans approved.**
- 2. The approved scheme shall be implemented in full, prior to the occupation of the first residential unit on the associated residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).
Reason: In the interests of road and pedestrian safety.**
- 3. The developer shall ensure that during and after the construction of the development that all surface water is controlled, treated and discharged along the western boundary of the B9099 road under the principles of SUDS and all to the satisfaction of the Council as Flood Authority.
Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.**

Justification

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

Informatives

- 1. 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures &

Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

- 7. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.**
- 8. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.**
- 9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.**
- 10. The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.**
- 11. Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.**

Amendment (Councillors H Anderson and I James)

Refuse, on the basis that the proposal is contrary to Policies 60B (a) and 17 of the Perth and Kinross Local Development Plan 2 (2019), as it is not considered to be designed for the safety of all potential users due to (i) the location of the Southbound Bus Stop on the B909; (ii) the design and location of the proposed ghost island; and (iii) existing properties entering into the location of the proposed layout.

In accordance with Standing Order 58, a roll call vote was taken.

Councillor E Drysdale informed the Committee that he had experienced connection issues during the debate and would not be taking part in the vote.

6 members voted for the Motion as follows:

Councillors B Brawn, T Gray, D Illingworth, R McCall, R Watters and W Wilson

6 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, I James, C Reid, C Stewart and M Williamson

In terms of Standing Order 56 the convener took the casting vote in favour of the Motion.

Resolved:

In accordance with the Motion.

AT THIS POINT THE COMMITTEE TOOK A 30 MINUTE RECESS FOR LUNCH.

THE COMMITTEE RECONVENED.

- (ii) **20/00096/FLL - STANLEY - Formation of a crossing point and associated works, Land north of 53 Duchess Street, Stanley – Report 20/111 – Muir Homes Ltd and Zurich Assurance Ltd**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. The approved scheme shall be implemented in full, prior to the occupation of the first residential unit on the associated residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).
Reason: In the interests of road and pedestrian safety.
3. Prior to the commencement of development, a scheme for the installation of an additional street lighting column to the north of the proposed crossing point shall be submitted for the written approval by the Council as Planning Authority. Thereafter, the approved scheme shall be implemented in full and the lighting column be brought into use before occupation of the first dwelling on the associated residential site residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).
Reason: In the interests of pedestrian safety.

Justification

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

Informatives

1. 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

7. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
8. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
11. Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

(1) Application Previously Considered

- (i) 19/01130/AMM - STANLEY - Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM), land at Stanley Village (LDP2 Site H30) – Report 20/109 – Muir Homes Ltd and Zurich Assurance Ltd**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, 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.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.
3. Prior to the commencement of development, a detailed design of road infrastructure improvements as per plan reference 19/01130/138 (drawing number 6148-PL-100-2101 shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved scheme shall thereafter be implemented in full, prior to the occupation of the first residential unit.
Reason: In the interests of road and pedestrian safety.
4. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;

- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

5. No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of sustainable transport.

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
 - a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit

shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

7. The proposed wildflower meadow mix within the approved landscaping scheme is hereby not approved and an alternative species should be submitted to an approved by the Planning Authority prior to the occupation of the first dwelling. Thereafter, the approved planting shall be implemented in full.

Reason: To ensure the satisfactory implementation of the proposed planting scheme.

8. The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of 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.

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

9. The approved children's play area on plan reference 19/01130/131 (drawing no. SC10463-01) 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 of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

10. Prior to the commencement of development an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

11. The conclusions and recommended action points within the supporting Biodiversity Survey, in particular Section 2.15 of the submitted Biodiversity Management Plan submitted by IMT Ecological Consultancy June 2019 and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

12. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
Reason: In order to prevent animals from being trapped within any open excavations.
13. Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.
Reason: In the interests of protecting environmental quality and of biodiversity.
14. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 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 Planning Authority.
Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.
15. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.
Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.
16. All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.
Reason: In the interests of protecting environmental quality and of biodiversity.
17. Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning

Authority for the provision of a recycling facility to complement the existing kerbside recycling services offered in the area. The facilities/equipment shall thereafter be maintained.

Reason: In the interests of environmental quality.

18. The asserted core path (STAN/117) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: To ensure that public access is maintained at all reasonable times, to the local path network.

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

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

20. 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.

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

21. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To allow district heating to be incorporated within the site at a future date.

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

Reason: In the interests of residential amenity.

23. All plant or equipment associated with the LPG tank Compound shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or

Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

24. Prior to the commencement of the development details of the mitigation measures specified for acoustic glazing and trickle ventilation for properties No. 1, 2, 113 and 114 as identified in the applicants Noise Impact Assessment by CSP Acoustics 16 October 2019 shall be submitted for the written approval of the Council as Planning Authority. The agreed detail shall be installed prior to occupation of plot 1, 2, 113 and 114.

Reason: In the interests of residential amenity.

25. Prior to the commencement of development an updated Dust Management Plan shall be submitted for the written approval of the Council as Planning Authority. The approved plan shall be implemented throughout the construction phase of the development.

Reason: In the interests of residential amenity.

26. The noise and dust recommendations and mitigation measures within the submitted approved Construction Environmental Management Plan (CEMP) dated 21 June 2019 shall be fully adhered to and undertaken as part of the construction phase of the development.

Reason: In the interests of residential amenity.

Justification

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

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
8. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
9. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a

criminal act under the Habitats Regulations and penalties are severe for non-compliance.

10. 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.
11. Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. Gardens will provide suitable habitat for hedgehogs and commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.
12. The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
13. 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.
14. Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
15. All planning conditions attached to the Planning Permission in Principle (PPP) approved on 21 December 2018 (application reference: 17/00088/IPM) continue to apply to the development hereby approved, unless otherwise provided for by condition of this application for the Approval of Matters Specified in Condition.
16. The stopping up or diversion of the Core Path STAN/117 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.
17. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

18. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:
Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

(3) Major Application

- (i) **19/00917/FLM - Kinross - Erection of 169 dwellinghouses, formation of open space, landscaping and associated infrasturcture (Phase 2), Land 300 metres North West of Lathro Farm, Kinross – Report 20/112 – Persimmon Homes North Scotland**

Councillor C Purves, Local Member; Ms E Thomas, Kinross-shire Civic Trust, Objector; Councillor W Robertson, Local Member; and Mr J Mackay, on behalf of the applicant, addressed the Committee and answered members questions via audio conference.

Motion (Councillors M Barnacle and R Watters)

Refuse on the basis that the proposal is:

- (i) **Contrary to Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B(c) as it is overdevelopment of the site on the edge of Kinross and in relation to immediate surrounding area.**
- (ii) **Contrary to Perth and Kinross Local Development Plan 2 (2019), Policies 36(m), 38A, 38B and 46 on the basis that it has not been satisfactorily demonstrated that there will not be a significant adverse impact on Loch Leven due to the possible operation of the proposed SUDS scheme.**
- (iii) **Contrary to Perth and Kinross Local Development Plan 2 (2019), Policy 60B(a) [first (a)] on the basis that it has not been demonstrated that the proposal would not adversely impact on the junction with The Muirs and it has not been demonstrated that it would not have an adverse impact on lack of parking and flooding of Gallowhill Road.**

Amendment (Councillors R McCall and D Illingworth)

Grant, subject to the following conditions and informatives contained in Report 20/112.

In accordance with Standing Order 58, a roll call vote was taken.

9 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, T Gray, I James, C Reid, C Stewart, R Watters, M Williamson and W Wilson

4 members voted for the Amendment as follows:

Councillors B Brawn, E Drysdale, D Illingworth and R McCall

Resolved:

In accordance with the Motion.

(4) Local Application

- (i) 20/00524/FLL - MARYBURGH - Erection of 4 dwellinghouses and associated works, Land south of Hillcrest, Maryburgh – Report 20/113 – KJJ Properties Limited**

The Committee agreed that this item be deferred to the meeting of the Planning and Development Management Committee.

6. PROPOSAL OF APPLICATION NOTICE (PAN)

20/00004/PAN - GLENFARG - Erection of energy from waste facility and associated works, Binn Farm, Glenfarg – Report 20/114 – Mr A MacGregor

It was agreed that Councillors who wished to make comment on this Proposal of Application Notice do so to relevant officers via email.