

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 July 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern, H Anderson, B Band, H Coates, E Drysdale, T Gray, I James, A Jarvis, W Robertson (substituting for W Wilson), L Simpson and R Watters.

In Attendance: D Littlejohn, K Smith, A Condliffe, H Donaldson, L MacLean, M Morgan, J Scott, C Stewart, L Reid and D Salman (all Housing and Environment); C Elliott, M Terava and D Williams (all Corporate and Democratic Services).

Apologies for Absence: Councillors M Barnacle and W Wilson.

Councillor R McCall, Convener, Presiding.

### **361. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **362. DECLARATIONS OF INTEREST**

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

### **363. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 5 June 2019 (Arts. 295-299) was submitted, approved as a correct record and authorised for signature.

### **364. DEPUTATIONS**

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

| <b>Planning Application No.</b> | <b>Art. No.</b> |
|---------------------------------|-----------------|
| 19/00136/FLL                    | 3652(i)         |
| 19/00591/FLL                    | 3652(ii)        |

**365. APPLICATIONS FOR DETERMINATION**

**(1) Major Application**

- (i) 19/00552/FLM - PERTH - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 11 (sustainable construction) of planning permission [15/01109/FLM](#) (Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works) – Report 19/198 – Bertha Park Limited**

**Motion (Councillors R McCall and B Brawn)**

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

**Conditions**

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.  
Reason: To ensure that the development is carried out in accordance with the plans approved.**
- 2. Prior to the implementation of this permission, a detailed delivery plan confirming the phased delivery of the site and construction works shall be 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.  
Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.**
- 3. The foul drainage serving this permission 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 installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage details shall thereafter be implemented to coincide with the occupation of the development.  
Reason: In the interests of public health and to prevent pollution.**
- 4. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment**

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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.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

5. Development associated with this permission shall not commence 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 Scottish Environmental Protection Agency (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 (submitted in support of planning application 15/01109/FLM). Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to bringing the associated development phase into use.

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

6. Development associated with this permission shall not commence until the design of all new and existing culverts/bridges and associated features (such as screens) have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Structures & 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.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

7. Prior to the implementation of this permission, full details of the finalised design of the replacement pond and sustainable urban drainage system (SUDS) pond affecting this phase of the development shall 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.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

8. Prior to the implementation of this permission, 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.
  - 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

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**Reason: To ensure the implementation of satisfactory landscaping proposals which will assist in local landscape integration and in the interests of the visual amenity of the area.**

- 9. Prior to the implementation of this permission, 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.**

**Reason: To ensure the delivery of recreational facilities for the occupants of the development.**

- 10. Prior to the implementation of this permission, a woodland management plan (covering a minimum of twenty years), including long term objectives, management responsibilities and maintenance schedules for all woodland areas within this part of the wider Bertha Park 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 implementation of the development hereby permitted unless otherwise approved in writing by the Planning Authority.**

**Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.**

- 11. For the avoidance of doubt, all domestic and non-domestic buildings to be erected shall deliver improvements in sustainability standards in accordance with Scottish Building Standards. The percentage of the carbon emissions reduction required is to be met through the installation and operation of low and zero-carbon generating technologies, as set out in the Development Plan.**

**Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Development Plan at the time.**

- 12. Prior to the implementation of this permission, a detailed plan of public access across the site including phasing (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,**

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- 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.

Reason: In the interest of sustainable transportation.

13. No more than 750 dwellinghouses are permitted to be occupied until the Cross Tay Link Road (CTLR) Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy is agreed by the Planning Authority to constitute a 'committed project', in consultation with Transport Scotland.

For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

*"The CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced".*

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment (submitted with planning application 15/01109/FLM plan ref 15/01109/162) and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

14. Prior to the implementation of this permission, appropriate mitigation measures shall be 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.

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment (submitted with planning application 15/01109/FLM, plan ref 15/01109/162) and

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to ensure that the scale of development is commensurate with the infrastructure required to support the development.

15. No development associated with this permission shall be implemented 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.  
Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.
16. Prior to the implementation of this permission, the detailed specification for the emergency/secondary access arrangements to be put or remain in place between the Inveralmond Bridge and Bertha Lodge, along with implementation timescales shall be submitted to and approved in writing by the Planning Authority. The approved emergency/secondary access arrangements shall be thereafter installed in accordance with the agreed timescales and/or maintained to the satisfaction of the Planning Authority.  
Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.
17. Prior to the completion of the development, all watercourses on the site as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015, submitted in support of planning application 15/01109/FLM) shall be inspected and cleared of any 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.  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

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- 18. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.**  
**Reason: To reduce flood risk.**
- 19. 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 Flood Risk Assessment (FRA) (dated 18 June 2015, submitted in support of planning application 15/01109/FLM) within the extents of the proposed development.**  
**Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.**
- 20. Prior to the implementation of this permission, 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.**  
**Reason: In the interest of protecting environmental quality and of bio-diversity.**
- 21. Prior to the implementation of this permission, 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**



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authority to stop operations or to alter construction methods should there be any works occurring which is 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.

Reason: In order to ensure that the appointed ECOW is suitably qualified and has a suitable job description and powers.

22. Prior to the implementation of this permission updated details of checking surveys for protected species or the nests of any breeding birds on the site shall be submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage (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.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

23. Prior to the implementation of this permission, a biodiversity monitoring strategy shall be submitted to, and approved in writing by the 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 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.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

24. Prior to the implementation of this permission, the trees to be retained as identified in the submitted surveys (forming part of planning permission

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**15/01109/FLM) shall be 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.**

**Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.**

- 25. Prior to the implementation of this permission, 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 shall be 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 maintained to the satisfaction of the Planning Authority.**

**Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site, including appropriate biodiversity and recreational opportunities.**

- 26. Prior to the implementation of this permission, no further development 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.**

**Reason: To safeguard any archaeological interest of the site.**

- 27. Prior to the implementation of this permission, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be**

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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<br>(litres) | Width<br>(mm) | Height<br>(mm) | Depth<br>(mm) |
|----------------------|---------------|----------------|---------------|
| 240                  | 580           | 1100           | 740           |

**Reason:** In the interests of the sustainable disposal of waste.

28. Prior to the implementation of this permission, a strategy to ensure noise levels within dwellinghouses are considered reasonable internally (utilising dwelling layouts and appropriate double glazing with trickle vents) shall be submitted to the Planning Authority for written approval and thereafter implemented. The strategy shall include particular 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.

**Reason:** To prevent disturbance from noise.

29. 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.

**Reason:** To prevent disturbance from noise and odour.

30. 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 neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

**Reason:** To prevent disturbance from noise.

31. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00 hours.

**Reason:** To prevent disturbance from noise.

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- 32. 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.**

**Reason: To prevent disturbance from noise.**

- 33. 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.**

**Reason: To prevent disturbance from lighting.**

- 34. Prior to the implementation of this permission, an evaluation or clarification of the sites potential 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 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.**

**Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.**

- 35. 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.**

**Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.**

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**Justification**

The proposal is not considered to fully comply with the Development Plan; however, there are material considerations that justify a departure on this occasion as detailed in the Report above.

**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. 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 out with 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.

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- 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. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.**
- 9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH15GD.**
- 10. 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.**
- 11. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 12. Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.**
- 13. Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.**
- 14. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.**
- 15. Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform**

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changes to abundance or locations of protected species.

16. The development shall be in accordance with the Council's 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. To comply with the Council's approved policy on affordable housing.
17. The applicant is reminded that the site is still subject of a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01112/IPM (subject of minded to approve application 18/01800/IPM). This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.

**Environmental Impact Assessment (Eia) Decision**

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

- The application submitted an EIA Addendum dated April 2019. The public had the opportunity to participate in the decision making process through notification of the EIA Addendum was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser.
- The EIA Addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The Addendum considers the conclusions reached in the 2015 Environmental Statement (ES) and the conclusions reached in 2016 through the Supplementary Environmental Information (SEI) which were lodged in advance of determination of the original detailed permission. The following topics were covered in relation to the proposed amendment:
  - Landscape/Townscape and Visual Assessment
  - Traffic and Transport
  - Air Quality
  - Noise and vibration
  - Nature Conservation and Ecology



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- **Socio-Economic and Tourism**
- **Ground Conditions, Drainage and Flood Risk**
- **Archaeology and Cultural Heritage**
- **Cumulative Effects.**
- **The Addendum concludes that through the proposed amendment of the affected planning Condition 11, there would be no substantive effect on the conclusions reached through the 2015 ES or 2016 SEI.**
- **The Planning Authority is satisfied that the EIA Addendum is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.**
- **The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the original proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development.**
- **In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions and ongoing S75 control, the proposal is acceptable and can be approved.**

Amendment (Councillors R Watters and E Drysdale)

Defer for further information on the Local Development Plan 2 examination report and how it may affect the application.

In terms of Standing Order 58 a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors B Brawn, H Coates, A Jarvis, R McCall, L Simpson and W Robertson

5 members voted for the Amendment as follows:

Councillors H Anderson, B Band, E Drysdale, T Gray and R Watters.

**Resolved:**

In accordance with the Motion.

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**(2) Local Applications**

- (i) 19/00136/FLL - DUNNING - Alterations to site layout, siting of 11 additional caravans, formation of landscaping and associated works (in part retrospect), Lochmanor Lodge Estate, Dunning, Perth PH2 0QN – Report 19/199 – Lochmanor Holiday Lodge Park**

**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 the development is carried out in accordance with the approved drawings and documents.
2. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.  
Reason: In order to clarify the terms of the permission; to control and restrict the use of the units.
3. Prior to the occupation of any further units the new sewage treatment plant shall be installed to the satisfaction of the Council as Planning Authority  
Reason: To ensure the system is installed.
4. Prior to the commencement of any further development on the site a detailed landscaping and planting scheme for the two concrete bases not to be developed on the southern boundary 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 next planting season (October to March). The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.  
Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

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5. The landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the date of this decision notice. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

**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**

Permission shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed or the required contribution has been paid upfront.

The contributions shall be paid within 28 days or 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 having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be 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. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. An application for Building Warrant may be required.
4. The applicant should be advised that the caravans are required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to the Environmental Health if planning consent is approved.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish

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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.

**(ii) 19/00591/FLL - INCHTURE – Erection of a garden building, Asgiobal, Inchture, Perth, PH14 9RN – Report 19/200 – Mr G Hart**

Ms Barnett, objector to the application, followed by Mr and Mrs Hart, applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

**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 the development is carried out in accordance with the approved drawings and documents.
2. The development hereby approved shall be used solely for purposes ancillary to the domestic enjoyment of the dwellinghouse and shall not be sold, let or occupied separately at any time.  
Reason: In order to safeguard the residential amenity of the area.

**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

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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. An application for Building Warrant may be required.

**(iii) 19/00657/FLL - ABERFELDY - Alterations to street layout including hard landscaping, soft landscaping, street furniture, car parking and associated works, The Square, Aberfeldy – Report 19/201 – Perth and Kinross Council**

**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 the development is carried out in accordance with the approved drawings and documents
2. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that conforms to requirements to meet the Obtrusive Light Limitations for exterior Lighting Installations for Environmental Zone –E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.  
Reason: In the interest of protecting the visual and residential amenity of the area.
3. Prior to the commencement of the development hereby approved, final details of the type of benches to be sited (illuminated or not), litter bins and the information board, shall submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.  
Reason: In the interest of protecting the visual amenity of the area.
4. Prior to the commencement of the development hereby approved, details shall be submitted for the further written agreement of the Council as Planning Authority, (in consultation with the Roads Authority) of a Construction Traffic Management Scheme and a Site access management plan. Thereafter, the approved schemes

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shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason: In order to co-ordinate traffic movements associated with the construction phase during the construction.

**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. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

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