

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 8 June 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, D Cuthbert, J Giacomazzi, C Gillies, A Livingstone, M Lyle (up to and including Item 16/00259/CON -Art. ??/??), E Maclachlan (substituting for Councillor J Kellas), D Melloy (substituting for Councillor I Campbell), W Robertson (substituting for Councillor A Gaunt), and G Walker.

In attendance: N Brian, S Callan, A Condcliffe, A Deans, S Panton, M Petrie, A Rennie and J Russell (up to and including Item 15/01109/FLM - Art. (1)(i)) (all The Environment Service); C Elliott, Y Oliver and H Rheinallt (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle, I Campbell, A Gaunt and J Kellas.

Councillor T Gray, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

. VALEDICTORY

The Convener referred to the imminent retiral of Yvonne Oliver, Committee Officer and paid tribute to the dedicated service she had given to Perth and Kinross Council during her twenty-five years of service. He referred in particular to the help and advice she had given the Development Management Committee and wished her good luck in her retirement.

. DECLARATIONS OF INTEREST

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

. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 11 May 2016 (Arts.292-296) was submitted, approved as a correct record and authorised for signature, subject to the following amendments:

(i) Article 296(2)(ii) refers

- (a) The word "re-deduced" on the fourth line of the motion be amended to read "reduced".

- (b) The line "6 Members voted for the Motion as follows:" should be amended to read "7 Members voted for the Motion as follows:".

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.
15/02176/FLM	** (1)(ii)
16/00255/FLM	** (1)(iii)
16/00268/FLL	**5(2)(i)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (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 to the North West of Perth – Report 16/254 – Bertha Park Ltd**

N Brian, Development Quality Manager, The Environment Service, requested that, should the Committee be minded to approve the following application, they also approve amended conditions 12, 17, 22, 25, 36 and 37 and condition 48 being deleted but added as Informative No. 16. Copies of the amended terms of these conditions were distributed to the Committee.

Resolved:

Grant, subject to the following terms, conditions and informatives including amended conditions 12, 17, 22, 25, 36 and 37 and condition 48 becoming informative 16 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 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 plan, 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 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 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 bringing the development phase into use.
9. Development shall not commence 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, 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.
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 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 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 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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 contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.
20. No development shall commence 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.
21. No development shall commence 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.
22. 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.
23. 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 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.
24. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
 25. 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.
 26. Prior to the commencement of development 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.
 27. Two months prior to the commencement of the development, 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.
 28. 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.
29. The ECOW is required to notify the Planning Authority:
- a) If there has been a requirement to stop or alter works in relation to this condition.
 - b) 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.
 - c) 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.
30. No development 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, 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.
32. 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.
33. The monitoring strategy will be implemented in accordance with the approved details.
34. No development 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.
35. No development shall commence 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.
36. No works in connection with the development hereby approved 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.

37. No 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.
38. Prior to the commencement of the 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. 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, 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 site's 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 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, 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 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 before the development is brought into use or occupied.
47. Prior to the commencement of development 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 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.

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

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/01109/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 policy and will be ultimately recommended for refusal under delegated powers.

- A Delivery Plan.
- Servicing of Secondary School land.
- Delivery of Primary School(s).
- Transport and Transport Infrastructure.
- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.
- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

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 will be included for guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that 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, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
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 Environment Protection Agency.
9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
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 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.

(ii) 15/02176/FLM – BRIDGE OF EARN – Residential development of 80 dwellings, open space, landscaping and associated infrastructure at land 200 metres south east of Hillview, Kintillo Road, Bridge of Earn – Report 16/255 – King Group and Ogilvie Homes

A Condliffe, Applications Team Leader, The Environment Service, requested that, should they be minded to approve the following application, the Committee also approve Condition 21 being amended and Condition 24 being deleted and added as an informative.

Mr R Hands, objector to the application, followed by Mr A Birnie, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors A Livingstone and T Gray) – Grant, subject to the following terms, conditions and informatives, including the amended Condition 21 and Condition 24 being deleted and added as Informative No. 14.

- 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 and to the satisfaction of the Planning Authority.**
- 3. Prior to the occupation of any residential plot details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.**
- 4. Prior to the commencement of development details of all front driveway screening arrangements shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling.**
- 5. No development shall commence until full details of earthworks at the southern half of the site have been submitted to and approved in writing by the Planning Authority thereafter the development shall be carried out in accordance with the approved details.**
- 6. The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.**
- 7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.**
- 8. The areas of public open space 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.**

9. 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.
10. 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.
11. 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 the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.
12. The developer shall ensure that during the construction of the development all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
13. The Meadows shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Planning Authority.
14. 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) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
15. 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.

16. There is to be no removal of vegetation, including trees and shrubs between 1 March and 31 August inclusive unless a competent ecologist has undertaken and submitted in writing to the Planning Authority a detailed vegetation check for active birds' nests immediately before the vegetation is to be cleared and that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be approved by the Planning Authority prior to commencement of works.
17. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the Planning Authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.
18. All species used in the planting proposals as detailed in the Proposed Landscaping Plans (Drawing C1533.004 Rev: B) shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.
19. The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 40 properties.
20. All deliveries to the construction site shall be Monday to Friday 07:00 to 19:00 hours, unless otherwise agreed in writing with the Planning Authority.
21. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00hours. Saturday 08:00 to 13:00hour and no working on a Sunday, unless otherwise agreed in writing with the Planning Authority.
22. 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.
23. 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

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

Consent shall not be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/02176/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 Policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Transport infrastructure contribution
- Open space provision /maintenance
- Play area provision.
- Landscape buffer and footpath provision

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 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. Should any archaeology be present the developer is advised to contact 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, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.**
- 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 delivery timescale of the new primary school at Oudenarde will be determined by the Council's Education and Children's Services Department to ensure there is sufficient local primary education capacity for the proposed development.**
12. **The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.**
13. **The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to and agreed in writing by the Council as Planning Authority.**
14. **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.**

Amendment (Councillors H Anderson and W Robertson)

Refuse, on the grounds that the proposal is contrary to:

1. The Perth and Kinross Local Development Plan 2014, Policy EP3C in that it has not been demonstrated that the proposed SUDS system has sufficient capacity for the proposal.
2. The Perth and Kinross Local Development Plan 2014, Policy PM4 as it would constitute development out with the settlement boundary to an excessive amount and would involve the loss of prime agricultural land.
3. The Perth and Kinross Local Development Plan 2014, Policy TA1B as it would significantly impact on existing traffic issues at Kintillo Road, Bridge of Earn.

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, J Giacomazzi, C Gillies, A Livingstone, M Lyle, G Walker and E Maclachlan.

4 members voted for the Amendment as follows:

Councillors H Anderson, D Cuthbert, D Melloy and W Robertson.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (iii) **16/00255/FLM – KINROSS – Residential development consisting of 91 units, access road, open space and associated works at former Kinross High School, High Street, Kinross – Report 16/256 – Persimmon Homes Ltd**

S Callan, Planning Officer, The Environment Service, requested that, should the Committee be minded to approve the following application, they also approve Condition 22 being removed and inserted as additional Informative No. 9.

Mr I McGoldrick, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors D Cuthbert and W Robertson) – Defer, for the provision of (i) an updated parking survey for Kinross to be carried out, with further information on the impact of this development on parking provision in Kinross to be provided; and (ii) further information on the impact of new build materials on the conservation area.

Amendment (Councillors M Lyle and T Gray) – Grant, subject to the following terms, conditions and informatives including amended Condition 12, Condition 22 becoming Informative No. 9, the addition of three extra conditions, and an additional informative:

1. **The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
2. **No demolition of the existing buildings shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.**
3. **Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.**

4. No development shall commence until a connection to the public foul sewer infrastructure has been secured to cater for the foul flows associated with the development. Documentation confirming a connection is available shall be submitted to the local Planning Authority for written approval. Thereafter the development shall be undertaken in accordance with the approved details to the satisfaction of the local Planning Authority.
5. Prior to the commencement of development, a Construction Management Plan (CMP) detailing the proposed phasing of the development, environmental mitigation measures and construction method statements, including specific measures to control dust arising from demolition and construction work shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the development shall be undertaken in accordance with the approved CMP.
6. Details of the exact specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
7. The roof material of dwelling numbers marked 73 to 75 inclusive on the Approved Site Layout Plan (Drawing Number: KIN-02-01 REV D) shall be natural slate and maintained in perpetuity. The slate should be reused from the demolition of the existing school building, unless otherwise agreed in writing by the Planning Authority.
8. Prior to the commencement of development detailed plans and elevations for the retained section of the former High School, clearly indicating the extent of retention of the historic fabric and any additional alterations shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
9. Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the local Planning Authority.

10. Prior to the commencement of development a demolition methodology to ensure that the historic elements of the former High School proposed for retention are protected during the development process shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
11. Prior to the commencement of development full details of all proposed new and replacement external doors and windows for the retained section of the former High School shall be lodged for the prior approval of the Planning Authority prior to the commencement of works on site. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
12. Prior to the commencement of the development, full details of all boundary treatment shall be submitted to the Planning Authority for written approval. This shall include the boundaries along the accesses/entrances to the site and shall also include specific screen planting along the recessed boundary with the adjacent property of 27A Alexander Drive. The development shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the development.
13. The area(s) of public open space indicated on the approved Landscape Plan (Drawing Number: 143.74.01e) 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.
14. Prior to the commencement of development a detailed layout of the proposed upgrade of Green Road 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.
15. No development shall take place until full details of earthworks at the southern half of the site has been submitted to and approved in writing by Planning

Authority thereafter the development shall be carried out in accordance with the approved details.

16. Prior to the commencement of the development hereby permitted, details of the final planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
17. Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.
18. Prior to the commencement of demolition work a total of 4 bat slates shall be fitted during reroofing of the retained section of the school building as per Page 54 of the submitted Bat Survey Report.
19. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
20. Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.
21. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.
22. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of any 2 bedroom or

terrace dwellings shown on the Approved Site Layout Plan (Drawing Number KIN-02-01 REV D)

23. 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.
24. 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.

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

25. Prior to the commencement of development 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.
26. Concurrent with 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.
27. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200year flood level including 20% for climate Change.
28. 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.
29. The discharge rate of the sustainable urban drainage system (SUDS) shall be limited to the amount specified in drawing E9834/2001 – Rev G.

30. Prior to the commencement of the development, full details of the proposed refurbishment of the pump house on Green Road shall be submitted to the Planning Authority for written approval. The refurbishment shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing.
31. Prior to the commencement of the development, full details of the proposed car park off Station Road shall be submitted to the Planning Authority for written approval. The development shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing.

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.

Procedural Notes

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00255/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 policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Open space provision /maintenance
- Green Road play area upgrade.

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. 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 will be included for 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.
4. 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.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
9. 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.

- 10. The applicant is requested to enter in to discussions with the owners of 27A Alexander Drive over the ownership and control of the strip of land between the reset west boundary to Plots 43 and 44 and the east boundary of 27A Alexander Drive.**

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

2 members voted for the Motion as follows:

Councillors D Cuthbert and W Robertson.

10 members voted for the Amendment as follows:

Councillors T Gray, B Band, H Anderson, J Giacomazzi, C Gillies, A Livingstone, M Lyle, G Walker, D Melloy and E Maclachlan.

Amendment – 2 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

- (iv) 16/00259/CON – KINROSS – Partial demolition of existing buildings at former Kinross High School, High Street, Kinross – Report 16/257 – Persimmon Homes Ltd**

S Callan, Planning Officer, The Environment Service, requested that, should the Committee be minded to approve the following application, they also approve an additional condition.

Resolved:

Grant, subject to the following terms, conditions and informatives, and subject to a further four additional conditions, all as undernoted:

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 consent.
2. No demolition of the existing building shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.
3. Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.

4. Prior to the commencement of demolition work a total of 4 bat slates shall be fitted during reroofing of the retained section of the school building as per Page 54 of the submitted Bat Survey Report.
5. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
6. Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.
7. Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the Local Planning Authority.
8. Prior to the commencement of development detailed plans and elevations for the retained section of the former High School, clearly indicating the extent of retention of the historic fabric and any additional alterations shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
9. Prior to the commencement of development a demolition methodology to ensure that the historic elements of the former High School proposed for retention are protected during the development process shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
10. Prior to the commencement of development full details of all proposed new and replacement external doors and windows for the retained section of the former High School shall be lodged for the prior approval of the Planning Authority prior to the commencement of works on site. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.

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 Conservation Area Consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.)
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(2) Local Applications

(i) 16/00268/FLL – ABERFELDY – Erection of a telecommunications mast and ancillary equipment, Errichel Farm, Crieff Road, Aberfeldy – Report 16/258 – Telefonica UK Ltd

Mr I Thornton-Kemsley for Thornton Estates, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

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. Prior to the commissioning of the mast (hereby approved) the date of the commissioning shall be submitted to the Council as Planning Authority. Thereafter the existing mast at Mains of Murthly (Planning Ref: 02/01971/TD) shall be removed within 2 months of that commissioning date to the satisfaction of the Council as Planning Authority.
3. In the event that the tower and associated equipment becomes redundant, it must be removed within 6 months of it becoming redundant and the site thereafter reinstated to the satisfaction of the Council as Planning Authority.
4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 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.

5. Prior to the commencement of development details of the colour finish of the mast and antennae 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.
6. Prior to the commencement of development details of the colour finish of the mast base and planting scheme on the southern boundary of the mast base 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.

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.

(3) Proposal of Application Notice (PAN)

- (i) **16/00006/PAN – BALBEGGIE – Residential development at St Martins Road, Land 120 metres West of Burr Cottage, Main Street, Balbeggie – Report 16/259 – Morris Leslie Ltd**

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issues

be addressed in the planning application: (1) The importance of consultation and of ensuring press coverage of the exhibition event; (2) the possibility of over-development; and (3) the proximity of the airport and the potential impacts.

DRAFT