

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

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 14 March 2018 at 10.00am.

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

In Attendance: N Brian, A Condliffe, D Niven, J Scott, A Belford, G Bissett, M Petrie, D Salman and R Stewart (all The Environment Service); G Fogg and D Williams (Corporate and Democratic Services).

Apologies: Councillors H Coates and R Watters.

Councillor R McCall, Convener, Presiding.

125. WELCOME AND APOLOGIES

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

126. DECLARATIONS OF INTEREST

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

127. MINUTES

The minute of meeting of the Planning and Development Management Committee of 14 February 2018 (Arts. 78-82) was submitted, approved as a correct record and authorised for signature, subject to the following amendment:

It be noted that, with regards to Art. 82(2)(v), the amendment was proposed by Councillors T Gray and H Anderson, not Councillors T Gray and B Band.

128. DEPUTATIONS

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

Planning Application No.	Art. No.
17/00939/IPM	129(1)(i)
17/02159/FLM	129(1)(iii)
17/01260/FLL	129(2)(i)
17/02240/FLL	129(2)(iii)

129. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 17/00939/IPM – BLAIRGOWRIE – Mixed use development comprising residential development, business land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works on land 200 metres west of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie – Westpark Partnership**

J Scott, Team Leader, advised members that, with regards to Paragraph 138 of Report 18/77, Tesco is in fact considered to be in a town centre location and explained the policy considerations that lead to the conclusions in Paragraph 139 to remain the same.

Mr J Paterson and Ms A Russell, objectors to the application, addressed the Committee and following their representation withdrew to the public benches.

Resolved:

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

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 16 years.

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

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2. The submitted masterplan, site layout plan and indicated scale of development, of up to 400 dwellings and 4 hectares of business land, are purely indicative and are hereby not approved.
3. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a detailed phasing plan;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
 - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of all landscaping, structure planting and screening associated with the development of each site;
 - (viii) the lighting of all streets and footpaths;
 - (ix) the layout of play areas and the equipment to be installed;
 - (x) full details of the proposed means of disposal of foul and surface water from the development;
 - (xi) details of car charging points to be provided within the development; and
 - (xii) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.
 - (xiii) no development above 90 metres AOD.
4. No work shall start on the relevant parts of the site unless 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.

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5. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.
6. Prior to the commencement of development of each phase a Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.
7. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
8. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.
9. Dust control measures as outlined in Appendix 3 of the Air Quality Impact Assessment dated 19 December 2017 shall but put in place throughout the construction of this development.
10. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development
11. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless

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otherwise agreed in writing by the Council as Planning Authority.

12. As part of any application for the Approval of Matters Specified in Condition, all schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including, footpaths, walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

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.

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

14. Prior to the occupation of the first dwelling all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National

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Roads Development Guide) and to the satisfaction of the Planning Authority.

15. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
16. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
17. As part of the first application for the Approval of Matters Specified in Condition an updated District Heating

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Feasibility Study for the whole site 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 all 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.

18. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 3 of this permission. The surveys shall include appropriate mitigation to protect identified species.
19. The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
20. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed survey of vegetation and trees for active birds' nests or bat roosts immediately before the vegetation or trees is to be cleared and provided written confirmation that no birds or bats will be harmed and/or that there are appropriate measures in place to protect nesting birds and bats on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.
21. All road gullies within 500m of a waterbody or SuDS pond shall have wildlife kerbs installed adjacent to the gully.
22. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall submitted for the written approval of the Planning Authority. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.

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23. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
24. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.
25. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.
26. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 3, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account any acoustic mitigation proposed.
27. The net sales floor area of any Food Retail Unit shall not exceed 1,900 sqm and shall be a minimum of 70% for convenience goods and a maximum of 30% for the sale of comparison goods; the net sales floor area of any Non-Food Retail Unit shall not exceed 1,500 sqm and shall be a minimum of 60% for comparison goods and a maximum of 40% for the sale of convenience goods.
28. All deliveries to any retail/commercial unit must be within the hours of 0700 and 2300 Monday to Saturday. Sunday deliveries must be within the hours of 0900 and 1700 hours.
29. All fixed plant and equipment at the retail/business site shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed a noise rating level of 35dB L_{Aeq}, 15 mins during the night time period when measured 1 metre from the window of the closest noise sensitive receptors and should not exceed a rating level of 40dB L_{Aeq}, 1 hr when measured at the closest noise sensitive receptor during the daytime period.

Justification

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

Procedural Notes

1. Consent shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00939/IPM.
2. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

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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. 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.
2. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. 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, Perth.
5. 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.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

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8. 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.
9. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. 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.
11. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
12. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
13. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
14. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
15. The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.

- (ii) **17/01441/MWM – BALADO – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 2 (period extraction) of planning permission 04/01322/MWM (extraction and processing of sand and gravel) at Balado Quarry, Balado – D Geddes (Contractors) Ltd**

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents,

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unless otherwise provided for by conditions imposed by this decision notice.

2. All sand and gravel extraction within the site shall be completed within ten years of the date of this Decision Notice.
3. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted. No more than one phase shall be worked at any one time. The land awaiting extraction shall remain in agricultural use.
4. Restoration shall be fully implemented within twelve months of the completion of extraction and shall be phased in accordance with the restoration scheme to be approved under condition 5 below and shall thereafter be maintained to the satisfaction of the Planning Authority.
5. A progressive phasing plan shall be submitted within 6 months of the date of this consent to the Planning Authority illustrating how the restoration scheme shall be implemented at the site. No more than one phase or sub-phase shall be worked at any one time and restoration of each phase and sub-phase shall take place as soon as is practical.
6. Prior to the commencement of the final restoration of the site associated with this consent a detailed scheme with final contours and an updated restoration plan and an updated aftercare plan for the site shall be submitted to and require the approval of the Planning Authority. The restoration and aftercare scheme shall set out the means of reinstating the site following the removal of components of the development. Thereafter the approved restoration and aftercare scheme shall be implemented.
7. Topsoil stripping shall only be carried out when the soil is reasonably dry and friable (usually May to September), and shall not take place during or immediately after periods of heavy rain.
8. Topsoil shall not be stripped by bulldozer, but by means of boxscraper, towed scraper or excavator. The applicant shall give at least 7 days' notice to the planning authority before topsoil is to be stripped, and the planning authority reserves the right to suspend operations during adverse weather conditions, or to impose such conditions as it sees fit for the safe keeping of the topsoil.
9. Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations

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associated with loading and dispatch only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays.

10. Only the plant machinery and equipment specified in the Planning and Environmental Statement submitted with the application (or similar plant which generates no greater sound power levels) shall be used and all plant shall be operated and maintained in accordance with the manufacturer's instructions. This shall include servicing and the provision of suitable exhaust systems to minimise noise emissions.
11. Should any aspect of the proposed operations result in justified nuisance complaints the applicant shall – if required by the planning authority – have recognised consultants carry out monitoring for noise or dust and provide reports to the planning authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports.
12. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the specified times (except during temporary operations - see condition 14):
Between the hours of 0630-0800 Monday to Saturday:
At all noise sensitive properties – 45dB LAeq, 1 hour (free field);
Between the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays:
At Balado Home Farm Cottages - 50dB LAeq, 1 hour (free field);
At all other noise sensitive properties – 55dB LAeq, 1 hour (free field).
13. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measures at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year.
14. Audible vehicle reversing alarms fitted to vehicles operating within the extraction area shall be Brigade Electronics BBS-97 type or have a similar specification.
15. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighboring land and ecologically sensitive habitats and that light spillage beyond the boundaries of the site is minimised.
16. The existing Dust Management Strategy for the site shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.

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17. The height of the soil mound between the farm road and Phase 2A shall be increased from 4 metres to 5 metres and the section to the north of this from 3 metres to 4 metres.
18. Wheel cleaning facilities shall be maintained at the exits from the site until the restoration of the site has been complete. All vehicles leaving the site will be required to use these facilities.
19. The vehicular access at the site entrance shall be maintained in accordance with the 'Design Manual for Roads and Bridges, Volume 6, Section 2, Figure 1/2: Ghost Island Junction' together with appropriate signing all to the satisfaction of the Council as Planning Authority.
20. The gradient of the access shall not exceed 3% for the first 15.00 metres measured back from the edge of the carriageway and the access shall be constructed and maintained so that no surface water is discharged to the public highway.
21. Turning facilities shall be retained within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
22. Visibility splays of 6.00 metres by 215.00 metres measured from the centre line of the new access shall be maintained in both directions along the nearside channel of the A977 and free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
23. There shall be at all times an adequate unexcavated corridor between the toe of the bund and the proposed workings, to the satisfaction of the planning authority in consultation with SEPA, in order to reduce the risk of lateral erosion.
24. The existing approved closed drainage system details shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.
25. The existing approved water quality and quantity monitoring programme covering the operation and restoration phases of the development site shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.
26. There shall be at all times a buffer strip of at least 25m between any watercourses and the site operations.
27. The proposed car park surfacing will be suitable to provide infiltration, in accordance with the principles of Sustainable Urban Drainage System (SUDS).
28. All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped.

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This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

29. Should any soil stripping works be proposed during the bird nesting season a suitable qualified and experienced person at the developers' expense shall check the area to be worked for nesting birds immediately before works begin with the demarcation of areas which should not be disturbed. The suitably qualified and experienced person will have the ability to stop operations, make changes to demarcated areas and working practices as necessary.

Justification

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

Procedural Notes

1. Consent shall not be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond has been completed and signed. 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.

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

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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. In accordance with 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.

(iii) 17/02159/FLM – INCHTURE – Erection of 66 dwellinghouses, formation of SUDS pond, landscaping and associated works (allocated site H24) on land 150 metres south west of Moncur Farm. Moncur Road, Inchture – Hadden Construction Ltd

Mr J Lochhead and Ms K Sneedon, objectors to the application, followed by Mr S Hadden, applicant, and Mr D Tibbs, agent, addressed the Committee and, following their representation, withdrew to the public benches.

Motion (Councillors W Wilson and M Barnacle) – Refuse the application for the following reasons:

1. The Proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy RD1 Residential Areas, as the proposed development is considered to be an overdevelopment of the site and would result in an adverse impact on proposed residential amenity of new occupiers.
2. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy EP8 Noise Pollution, PAN 1/2011 Planning and Noise and PAN51 Planning, Environmental Protection and Regulation as the proposed development has failed to successfully demonstrate that noise mitigation and attenuation can be adequately achieved on this site for the benefit of proposed residents and in respect of providing adequate amenity, whilst not restricting existing consented neighbouring business operations.
3. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy NE 3 Biodiversity in failing to provide a suitably up to date ecological

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assessment with associated breeding bird survey and
survey of impacted tree loss.

Justification

The proposal fails to accord with the Development Plan and there are no material reasons which justify a departure from the Development Plan.

Amendment (Councillors T Gray and E Drysdale) – Grant the application for the following reason:

There is no substantive evidence suggest that the proposal is contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

In accordance with Standing Order 55, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, B Brawn, I James, R McCall, A Parrott and W Wilson.

4 members voted for the Amendment as follows:

Councillors E Drysdale, T Gray, A Jarvis and L Simpson.

Resolved:

In accordance with the Motion.

THERE FOLLOWED A 13 MINUTE RECESS.

(2) Local Applications

(i) 17/01260/FLL – COUPAR ANGUS – Erection of 2 dwellinghouses on land 30 metres east of Abbeyhill, Precinct Street, Coupar Angus – Ward Builders

Mr B Miles and Mr K Miles, objectors to the application, addressed the Committee and following their representation withdrew to the public benches.

Motion (Councillors R McCall and T Gray) – Grant the application subject to conditions and informatives recommended in the Report of Handling.

Amendment (Councillors W Wilson and M Barnacle) – Defer the application for (1) further information & clarification on ownership and site boundaries and (2) further information on the possible use of an access to Abbey Road for Plot 2.

In accordance with Standing Order 55, a roll call vote was taken.

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14 MARCH 2018

4 members voted for the Motion as follows:

Councillors H Anderson, E Drysdale, T Gray and R McCall.

8 members voted for the Amendment as follows:

Councillors B Band, M Barnacle, B Brawn, I James, A Jarvis, A Parrott, L Simpson and W Wilson.

Resolved:

In accordance with the Amendment.

- (ii) **17/02057/IPL – BLAIRGOWRIE – Residential development (in principle) on land 50 metres north of Morvich House, Golf Course Road, Blairgowrie – Westpark Partnership**

Resolved:

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

Conditions

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
2. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.
3. Notwithstanding the terms of condition 1 above, a biodiversity / habitat survey shall be submitted with an application for the approval of matters specified.
4. Notwithstanding the details submitted by the applicant, no permission is granted for any layout, number of plots or house types.
5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
6. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable

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Housing of the Perth & Kinross Local Development Plan 2014, or such subsequent Guidance and Policy which may replace these.

7. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
4. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at

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the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

6. The applicant is advised that the granting of planning permission 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

**(iii) 17/02240/FLL – LOGIERAIT – Renewal of permission
14/00214/FLL (erection of dwellinghouse) on land 80 metres
north east of Cuil An Daraish, Logierait – Mr J McMennemie**

Ms M Adam, on behalf of Ms K Adam, objector to the application, and Mr J McMenemie, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Amendment (Councillors W Wilson and H Anderson) – Refuse the application for the following reason:

The proposal is not located on a suitable site, and is contrary to Policies PM1B(a) and RD3 of the Perth and Kinross Local Development Plan 2014.

Amendment (Councillors B Band and E Drysdale) – Grant the application, subject to the conditions and informatives recommended in the Report of Handling.

In accordance with Standing Order 55, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, B Brawn, I James, R McCall, A Parrott, L Simpson and W Wilson.

4 members voted for the Amendment as follows:

Councillors B Band, E Drysdale, T Gray and A Jarvis.

Resolved:

In accordance with the Motion.

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