

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 11 May 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), M Barnacle, I Campbell, C Gillies, J Kellas, G Laing (substituting for Councillor H Anderson), A Livingstone, M Lyle, E Maclachlan (substituting for Councillor J Giacomazzi), M Roberts (substituting for Councillor D Cuthbert), G Walker and W Wilson (substituting for Councillor A Gaunt).

In attendance: D Littlejohn, N Brian, E Jordan, A Deans, E McLaughlin, M Petrie, S Callan, J Russell, R Stewart and A Rennie (all The Environment Service); A Cook (Education and Cultural Services); G Fogg, Y Oliver, A McColl and H Rheinallt (all Corporate and Democratic Services).

Apologies: Councillors H Anderson, D Cuthbert, A Gaunt and J Giacomazzi,

Councillor T Gray, Convener, Presiding.

292. WELCOME AND APOLOGIES

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

293. DECLARATIONS OF INTEREST

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

294. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 13 April 2016 (Arts 292-296) was submitted, approved as a correct record and authorised for signature.

295. 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.

14/01993/FLM
15/01157/IPM
16/00079/FLL

296. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **14/01993/FLM – Erection of a wind farm comprising 14 turbines (6 within Perth and Kinross and 8 within Angus), access track, borrow pits, anemometer mast and ancillary works known as Saddlehill Windfarm, Land at Black Hill, Glen Isla – Report 16/95 - Wind Prospect**

Mr E Ivory, on behalf of objectors, Mr R Clegg, Chairman, Kirriemuir Landward West Community Council, objectors to the application, followed by Ms S Dooley, Agent, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, including cumulative landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
2. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
3. The development does not contribute positively to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Eastern Perthshire, contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014.
4. The application is contrary to Policy HE1A of Perth and Kinross Local Development Plan 2014 as the setting of scheduled ancient monuments, Redlatches, settlement and field system 1900m SSE of (index no. 4640), Redlatches, settlement and field system 1900m S of (index no. 4673) and Craighead, settlement and field system 900m N of (index no. 5581) are compromised.

Justification

The proposal is not considered to comply with the Perth and Kinross Local Development Plan 2014 and there are no other material considerations that would justify a departure therefrom.

(ii) 15/01112/IPM – Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth – Report 16/96 - Bertha Park Ltd

N Brian, Development Quality Manager, requested that, should the Committee be minded to approve the following application, they also approve amended Conditions No. 23 and 34. Copies of the amended terms of these conditions were distributed to the Committee.

Resolved:

Grant, subject to the following conditions including the amended Conditions 23 and 34 as undernoted:

1. The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. The application for Phase 1 of the Approval of Matters Specified in Conditions shall be made no later than 2 years from the date of this permission, the application for Phase 2 of the Approval of Matters Specified in Conditions shall be made no later than 11 years from the date of this permission and the application for Phase 3 of the Approval of Matters Specified in Conditions shall be made no later than 21 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for Approval of Matters Specified in Conditions, whichever date is the earlier.
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. No development shall commence on each phase of the development until formal application(s) for the Approval of

Matters Specified in Conditions has been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan:-

- a) The delivery of the development in phases associated with the character areas prescribed in Bertha Park's masterplan.
- b) Details of all cut and fill operations.
- c) Details on the removal of mineral resource from the site or on-site use of the mineral resource to ensure the resource is not sterilised.
- d) Full details of the proposed means of disposal of foul water to serve the development.
- e) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
- f) The siting, design, height and external materials of all buildings or structures.
- g) Measures to maximise environmental sustainability through design, orientation and planting or any other means.
- h) Details of any screen walls/fencing to be provided.
- i) Details of all landscaping, planting, screening, open space and allotments associated with the development.
- j) Details of play areas and the equipment to be installed.
- k) Details 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 Roads Development Guide).
- l) The detailed specification of all street and footpath lighting.
- m) Further supplementary noise surveys shall be undertaken to inform the preparation and implementation of corresponding phases and include noise mitigation measures where necessary.
- n) A detailed plan of public access across the site (existing, during construction and upon completion).
- o) A Woodland Management Plan for all woodland areas and timescales for implementation.
- p) Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases. The supplementary surveys shall be of an appropriate type for the

above habitats and/or species and survey methods shall follow national good practice guidelines.

The development shall be implemented in accordance with the planning application(s) and the approved details.

4. In pursuance of Condition 3c) removal of mineral resource from the site or on-site use of the mineral resource:-
 - a) Prior to the extraction of the economic mineral resource to be won on site, the extent of the economic mineral resource shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
 - b) Prior to the extraction of the economic mineral resource a mineral working programme and phasing plan 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.
 - c) 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.
5. In pursuance of condition 3 d), foul drainage for each phase of the development shall be drained to the mains sewerage system or instillation by means of an adoptable sewerage and plant 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 prior to the completion of the development.
6. In pursuance of condition 3 e), disposal of surface water:-
 - a) 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 associated with each development phase. 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.

- b) 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.
 - c) Development shall not commence on each phase 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. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
 - d) Development shall not commence on each phase until the design of all new and existing culverts/bridges and associated features (such as screens) for that phase have 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 phase into use.
 - e) 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.
7. In pursuance of condition 3 g), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-
- a) The submission of sustainability checklists.
 - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
 - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold

Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority the development phase shall be undertaken in accordance with the approved details.

8. In pursuance of condition 3 k) future application(s) for development areas within the masterplan shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).
9. In pursuance of condition 3 i), landscaping, planting, screening, open space and allotments shall be submitted as part of the matters specified by condition application for each phase of development. Details of the schemes shall include:
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines and substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) Details of areas of public open space.
 - i) Details of areas for allotments.
 - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

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

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

10. In pursuance of condition 3 n), a detailed plan of public access across the site (existing, during construction &

upon completion), for each phase of development, will 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.
11. 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.
 12. 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.
 13. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at both 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.
 14. 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.

15. Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of lighting within the site likely to impact on the trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
16. Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of the barrier/boundary fencing and frontage landscaping treatment along the A9 trunk road boundary shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
17. No development shall commence until a detailed specification for the emergency 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 access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.
18. Prior to the completion of each phase of the development, all watercourses on the site (Gelly, unnamed watercourse and unnamed drains 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.
19. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
20. 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 (Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.
21. Prior to the commencement of each phase 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 phases of the 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 of that phase shall be fully undertaken in accordance with the agreed CEMP.

22. 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 phases. 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 phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

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

The ECOW is required to notify the Planning Authority:-

- d) If there has been a requirement to stop or alter works in relation to this condition.

- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
 - f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.
23. No development shall take place on the development phase 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 phase 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.
24. 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.

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

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

25. No development shall take place on the development phase 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.
26. 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.
27. 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.
28. 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, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented

and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

29. For each phase 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

30. Prior to the commencement of development of each phase a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.
31. Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc., must be designed and installed so as to prevent noise disturbance to adjoining properties.
32. Prior to the commencement of development of each phase, 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.

33. Prior to the completion or bringing into use of any part of the development phase 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 phase of development is brought into use or occupied.
34. 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.
35. 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.

Justification

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

Informatives

1. 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.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the

notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
4. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
 5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
 6. The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
 7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
 8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.
 9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth 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.

(iii) 15/01157/IPM – Residential development to provide 1,500 new homes, a primary school, community facilities, open space, landscaping and associated infrastructure (in principle) at land adjacent to Huntingtowerfield and Ruthvenfield, Perth – Report 16/97 - Mrs H C Pilkington's Trust & Stewart Milne Group Ltd

Mr K Simpson, Chairman, Methven and District Community Council; Mr S Simpson, on behalf of Ruthvenfield Conservation Group, followed by Mr A Wood, Agent, Mr J Henson (Pilkington Trust), Mr S Loomes (Stewart Milne Group Ltd) and Mr M Stewart, all on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors T Gray and J Kellas) – Grant, subject to the conditions and informatives as detailed in Report 16/97.

Amendment (Councillors W Wilson and M Barnacle) – Refuse, as the proposed development is contrary to:

- (i) The proposed scale of the development, in particular, the scale of the residential development, would be detrimental to both the amenity of the existing houses and to the proposed new housing and to the amenity of the surrounding countryside;**
- (ii) The proposed site extends beyond the boundaries of site H73 zoned in the Perth and Kinross Local Development Plan 2014 and it is therefore contrary to the prohibition of development in policy PM4;**
- (iii) The proposal is contrary to Policy EP2: New Development and Flooding of the Perth and Kinross**

Local Development Plan 2014 as this is for built development which incorporates within the overall site an area of known flood risk.

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

9 members voted for the Amendment as follows:

Councillors G Laing, M Barnacle, I Campbell, M Roberts, W Wilson, C Gillies, A Livingstone, M Lyle and G Walker.

4 members voted for the Motion as follows:

Councillors T Gray, B Band, E Maclachlan and J Kellas.

Resolved:

Refuse, in accordance with the Amendment.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(2) Local Applications

- (i) 12/00546/FLL – Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (partly in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway, approved at Development Management Committee 9 October 2013 & further reports to DM Committee 18 March 2015, 16 September 2015 and 13 January 2016 – Report 16/98 - Messrs J Johnston & M MacDonald**

N Brian, Development Quality Manager, reminded the Committee that, at the Development Management Committee meeting on 18 March 2016, the Committee had requested that an update be provided on the enforcement position regarding conditions on the planning application for the formation of five permanent gypsy/traveller pitches (partly in retrospect) on land South East of Fossoway Garage (Crook Moss), Fossoway (approved at Development Management Committee on 9 October 2013 and further reports to the Committee on 16 September 2015 and 18 March 2016).

N Brian and E Jordan, Enforcement Officer, answered Members' questions.

Resolved:

The Development Quality Manager is requested to:

- (i) investigate the possibility of renewing current protocol relating to the Loch Leven Catchment Area; and
- (ii) prepare an updated report on the enforcement of the conditions imposed on the planning application for the

formation of five permanent gypsy/traveller pitches (partly in retrospect) on land at Crookmoss, Crook of Devon, Kinross-shire, to be submitted to the Development Management Committee in 1 year's time.

(ii) 16/00079/FLL – Engineering works to pond at land 60 Metres South West of Winterfell House, Donavoured – Report 16/99 - Mr W Frame

Mr R Cranston, objector followed by Mr C Palmer, agent on behalf of the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as, being a popular pond, it should not be re-deduced in scale as proposed.

Amendment (Councillors J Kellas and T Gray) – Approve, subject to the conditions and informatives contained in Report 16/99.

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

6 members voted for the Amendment as follows:
Councillors T Gray, B Band, M Roberts, E Maclachlan, J Kellas and G Walker.

6 members voted for the Motion as follows:
Councillors G Laing, M Barnacle, I Campbell, W Wilson, C Gillies, A Livingstone and M Lyle.

Resolved:
Refuse, in accordance with the Motion.