

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
6 JUNE 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 6 June 2018 at 10.00am.

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

In Attendance: A Belford, D Salman, L Reid, N Brian, A Condliffe, and J Scott (all Housing and Environment); L Aitchison, G Fogg and D Williams (Corporate and Democratic Services).

Apologies: Councillors E Drysdale and L Simpson.

Councillor R McCall, Convener, Presiding.

The Vice-Convener led discussion on all items.

### **. WELCOME AND APOLOGIES**

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

### **. DECLARATIONS OF INTEREST**

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

### **. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 9 May 2018 (Arts. 249-253) was submitted, approved as a correct record and authorised for signature.

### **. DEPUTATIONS**

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

**APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) **18/00430/FLM – PERTH – Erection of 62 dwellinghouses and associated works (change of house type to include sunrooms for plots 10001-10043, 10070-10071 and 10075-10091), land at Bertha Park, Perth – Springfield Priorities PLC**

**Resolved:**

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

**Conditions**

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. No buildings shall be constructed on the identified economic mineral resource until detailed survey plans, 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.
3. The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by this Planning Authority prior to its installation 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.
4. 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.
5. 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.
6. No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement,

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generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

7. No development shall commence apart from the extraction of the economic mineral resource 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.
8. Prior to the completion of the development, all watercourses on the site as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015) 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.
9. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
10. 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 Flood Risk Assessment (FRA) dated 18 June 2015 in support of planning consent 15/01109/FLM) within any affected extents of the proposed development.
11. The development shall be fully undertaken in accordance with the agreed Construction Environment Management Plan (CEMP) associated with planning consent 15/01109/FLM.
12. The approved Ecological Clerk of Works (ECOW) associated with planning consent 15/01109/FLM 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

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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.

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.

13. No development shall take place apart from the extraction of the economic mineral resource 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 Scottish Natural Heritage (SNH). The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

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14. The approved biodiversity monitoring strategy associated with planning consent 15/01109/FLM will, where it applies to this site area, be implemented in accordance with the approved details.
15. No development apart from the extraction of the economic mineral resource shall take place until the trees to be retained as identified in the submitted surveys associated with planning consent 15/01109/FLM have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).
16. The approved structural landscaping works associated with planning consent 15/01109/FLM covered within this site area shall be installed in accordance with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.
17. No works in connection with the development hereby approved apart from the extraction of the economic mineral resource 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 as identified in planning consent 15/01109/FLM have been completed in full.
18. The approved noise mitigation strategy associated with condition 39 of planning consent 15/011009/FLM shall be fully implemented where applicable to this site.
19. Prior to the completion or bringing into use any part of the development any 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.

**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. 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

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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 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. 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.
7. 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.
8. 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](http://www.sepa.org.uk).

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9. 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.
10. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning consent 15/01112/IPM. This consent continues to be tied by this legal agreement and the associated requirements will continue to apply.
11. The applicant is reminded that in association with planning consent 15/01109/FLM; 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 2014, have been designed, approved and contract let.

**(2) Local Applications**

**(i) 18/00228/FLL – CROOK OF DEVON – Erection of 2 dwellinghouses, land south of Crook of Devon House, Main Street, Crook of Devon – Manse Developments**

Although there were no deputation requests for this item, Mr S Strachan, agent for the applicant, was in attendance and answered questions from members.

**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, unless otherwise provided for by conditions imposed by this decision notice.
2. Prior to the commencement of development, an updated ecological survey shall be undertaken as described in the PEA recommendations in relation to bat roost potential and additionally red squirrels shall be added to the survey. The updated survey shall be submitted to the Council as Planning Authority for further written agreement and shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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3. All trees on site, other than those marked for felling on the approved plans, shall be retained to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
5. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.
7. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.



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4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
6. 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.
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.

**(ii) 18/00533/FLL – BRIDGE OF EARN – Installation of a flue (in retrospect), former David Sands shop, Main Street, Bridge of Earn – Mr S Fenwick**

**Motion (Councillors I James and R McCall) – 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, unless otherwise provided for by conditions imposed by this decision notice.
2. Prior to the commencement of the extraction fan operation, the acoustic barrier enclosure shall be constructed and maintained in line with specifications and plans agreed hereby approved, all to the satisfaction of the Council as Planning Authority.
3. Prior to the commencement of the extraction fan operation, the flue and fence shall be coloured in a brown colour. Details of the colour must be agreed in writing by the Planning Authority prior to its application. Thereafter, the flue and fence must be maintained in this colour for the life of the development, all to the satisfaction of the Council as Planning Authority.
4. The sound insulation and sound transmission properties of the acoustic barrier enclosure structure

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**and finishes shall be such that any airborne noise from the operations of the fan does not constitute a statutory noise nuisance as determined by the Local Planning 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**

**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.**

Amendment (Councillors H Anderson and H Coates) – Refuse the application, as it is contrary to Perth and Kinross Local Development Plan 2014 Policy PM1A, due to the adverse visual amenity of neighbouring properties and risk of odour from the flue.

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

9 members voted for the Motion as follows:

Councillors B Band, B Brawn, T Gray, I James, A Jarvis, R McCall, W Robertson, R Watters and W Wilson.

3 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle and H Coates.

**Resolved:**

In accordance with the Motion.

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