

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 13 February 2019 at 10.00am.

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

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, G Bissett, D Salman, L Reid and A Rennie (all Housing and Environment); G Fogg, L Gowans and D Williams (all Corporate and Democratic Services).

Apologies: Councillors B Band, H Coates and I James.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. 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 16 January 2019 (Arts. 14-19) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.
18/01800/IPM

Art. No.
*(1)(i)

. WITHDRAWAL OF APPLICATION

The Committee noted the following application had been withdrawn from the Agenda:

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18/01908/FLL - ARDLER - Erection of a free range egg production unit and associated works, Land 800 metres South West of East Ardler Farm, Main Street, Ardler (Report 19/42)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 18/01800/IPM - PERTH - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 2 (phasing of development) of planning permission 15/01112/IPM (residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)), Land at Bertha Park, Perth – Report 19/40 – Bertha Park Ltd**

J Scott, Team Leader, delivered an update on proposed conditions, which were circulated to members prior to the meeting.

Mr Godfrey, on behalf of Luncarty, Redgorton and Moneydie as objector to the application, followed by Mr Martin, on behalf of the applicant's agent, addressed the Committee, and following their respective representations, withdrew to the public gallery.

Resolved:

Grant, subject to the following direction, terms, conditions and informatives, including the updates provided by planning:

Direction

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. All application(s) for Phase 1 and Phase 2 shall be made no later than 9 years from the date of this permission and all application(s) for Phase 3 shall be made no later than 19 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.

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

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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.

Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. This is an application in principle.

2. Within 12 months of the date of this decision notice, a revised delivery plan confirming the updated phased delivery of the site and construction works shall be submitted to and approved in writing by the Council as Planning Authority. A revised delivery plan shall include a commitment to the submission of an application for the approval of matters specified no later than May 2024, covering (as a minimum) the road layout and associated plot servicing for Phase 1.2. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

3. 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.

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- 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 & 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.

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

4. In pursuance of condition 3 c) removal of mineral resource from the site or on-site use of the mineral resource:-

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- 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 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.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

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.

Reason: in the interests of public health and to prevent pollution.

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.

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- 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.

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

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.

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- 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.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

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).

Reason: In the interest of sustainable transportation.

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.

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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.

Reason: to ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

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.

Reason: In the interest of sustainable transportation.

11. 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.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

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12. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

13. No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

14. 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.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

15. 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.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

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16. 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.
Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.
17. Prior to the completion of 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.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.
18. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
Reason: To reduce flood risk.
19. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land, a minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.
Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood-risk.
20. Prior to the 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

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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.

Reason: In the interest of protecting environmental quality and of bio-diversity.

21. 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

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in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.

- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

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

- 22. 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.

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

- 23. 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.

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- 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.

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

24. 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.

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

25. 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.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.

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26. 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 and 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.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the MasterPlan.

27. 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.

Reason: To safeguard any archaeological interest of the site.

28. 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

Reason: in the interests of the sustainable disposal of waste.

29. 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

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any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

30. 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.

Reason: To prevent disturbance from noise.

31. 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.

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

32. 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.

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

33. 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.

Reason: To comply with the Council's approved policy on affordable housing.

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Justification

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

Procedural Notes

The decision notice shall not be issued until the Section 75 Agreement relating to In Principle permission 15/01112/IPM has been varied taking account of this application. The legal agreement shall be updated and registered within 4 months of the date of any Committee approval.

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 developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
3. 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.
4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environment Protection Agency.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
6. 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.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. 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,

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- such as woodland, hedgerows and watercourses and waterbodies as agreed with Planning Authority.
9. 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.
 10. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
 11. 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.
 12. The applicant is advised to pay full cognisance to PKC Flooding and Flood Risk Guidance Document (June 2014).
 13. 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 permission 15/01112/IPM. This permission continues to be tied by this legal agreement (or any agreed amendment thereof) and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

(2) Local Applications

- (i) 18/01807/IPL - KINROSS - Residential development (in principle), land 20 Metres South West of 16 Curate Wynd, Kinross – Report 19/41 – Mr A Fraser**

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: (a) the siting, design and external appearance of the development, (b) the hard and soft landscaping of the site (including retention of trees), (c) all means of enclosure, (d) means of access to the site, (e) vehicle parking and turning facilities, (f) detailed levels

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survey (existing and proposed), (g) foul and surface water drainage (h) waste management provision and (i) a survey on site contamination and associated remedial strategy.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

2. In pursuance of condition 1a) the residential development shall be limited to a maximum one storey in height (but allowing accommodation in the roof space). For the avoidance of doubt the indicative footprints and plans submitted with this application are not approved.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

3. In pursuance of condition 1b) the scheme shall include:
- (i) A tree survey and tree constraint plans to accord with BS58S7:2012 'Trees in relation to construction'.
 - (ii) Details of existing hedging and boundary treatment to be retained
 - (iii) The location of new trees, shrubs hedges, grassed areas and water features.
 - (iv) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
 - (v) The location design and materials of all hard landscaping works.

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, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion 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.

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

4. In pursuance of condition 1(i) a survey of on-site contamination and associated remedial strategy shall include:
- (i) the nature, extent and type(s) of contamination on the site

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- (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
- (iii) measures to deal with contamination during construction works
- (iv) condition of the site on completion of decontamination measures

Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

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, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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.
- 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.

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2. Applicants are advised that should their application for Approval of Matters specified 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 Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
3. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
4. 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 the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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.
7. 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
9. Please note that 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) should be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).

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(3) Proposal of Application Notice (PAN)

**(i) 18/00014/PAN - MILNATHORT - Residential Development,
Land at Pitdownies Farm, Mase Road, Milnathort – Report
19/43 – Springfield Properties PLC**

Councillor Barnacle requested consultation be undertaken with NHS Tayside and Education and Children's Services at application stage. In addition, Councillor Wilson requested consultation with the Perth and Kinross Health and Social Care Partnership, particularly with relation to Primary Care. Councillor Anderson further highlighted the importance of importance of consultation responses from NHS Tayside or alternatively the Perth and Kinross Health and Social Care Partnership.

Councillor Wilson requested that Phasing be considered at application stage.

Councillor Watters requested that special attention be payed to capacity at Milnathort Primary School. Councillor Watters also requested that construction traffic be considered, along with an updated traffic model for the surrounding area.

Members also noted the issues identified by the Interim Development Quality Manager.

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