

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually via Microsoft Teams on Wednesday 3 June 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, C Purves, C Reid, R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, J Scott, C Brien, D Salman, L Reid, A Rennie G Fogg, D Williams, A Brown and A Taylor (all Corporate and Democratic Services); C Wright and S Watt (both IT).

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

Councillor E Drysdale declared a non-financial interest in Arts. (20/00007/FLL and 20/00061/CON).

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 29 April 2020 (Arts.) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.	Art. No.
19/01429/LBC(2)(i)
19/01673/AML(2)(ii)
20/00007/FLL(2)(iii)
20/00061/CON(2)(iv)
20/00217/FLL(2)(v)

. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 19/01900/FLM - PERTH - Erection of 82 dwellinghouses and associated works (changes to house type/layout on plots**

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

0024 - 0091 of permission 15/01109/FLM), land at Bertha Park, Perth – Report 20/93 – Bertha Park Ltd

This application was withdrawn from the agenda.

- (ii) **20/00020/AMM-ALYTH-Site masterplan & erection of care/nursing home, 20 dwellinghouses & 8 garages, 3 Class 4 business units, biomass boiler house/store, pumping station, 2 entrance buildings/stores & boundary treatments, formation of 2 vehicular accesses, service/access road & temporary bridge, SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping & associated works (Phase 1)(S42 to modify condition 22(ii) of permission 18/01214/AMM), north of Pitcrocknie Farmhouse, Alyth – Report 20/94 – Glenisla Developments Ltd**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The approved development must be completed in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/00020/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/0020/07):
 - a) Erection of a 60-bed care home;
 - b) Erection of 20 dwellinghouses (including 8 associated garages);
 - c) Erection of 3 business units (Class 4);
 - d) Erection of an Energy Centre;
 - e) Erection of 2 Entrance/Storage buildings;
 - f) De-culverting and realignment of Back Burn;
 - g) Erection of a Pumping station; and
 - h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/00020/12)

Reason: To ensure that the development is carried out in accordance with the plans approved.

2. Prior to the approved development being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

the standards required by the Council as Roads Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/00020/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/00020/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. The approved protective fencing (Drawing ref: 20/00020/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/00020/11) shall continue to be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

9. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as 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. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

11. Following approval by SEPA, the approved realignment design of the Back Burn (drawing ref: 20/00020/13) shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

12. Following approval by SEPA of the topographic information (drawing ref: 20/00020/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200-

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

14. The approved Phase 1 planting scheme (drawing ref: 20/00020/11) shall be implemented in full. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

Reason: In the interests of protecting and enhancing biodiversity.

15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

17. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/00020/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Council as Planning Authority

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/00020/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/00020/05) shall continue to include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of proper site management and to protect the amenity of the area.

22. The approved construction programme (drawing ref: 20/00020/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling; and
- (ii) prior to the occupation of the first residential dwelling, the construction of the care home shall be completed to the following specification:
 - the timber kit fully erected on the foundations;
 - all windows and doors fitted; and
 - the roofing and wall membranes applied.

The construction programme and phasing shall be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.

Justification

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

Procedural Notes

None required. A Section 75 is in place and future proofed to deal with the agreed upgrade works of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision.

Informatives

1. 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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

(Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

2. 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.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
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 Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they 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 (SEPA).
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.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

assistance is available from the Tayside Biodiversity Partnership.

9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM 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) **19/01429/LBC - COUPAR ANGUS - Alterations and extension to outbuilding to form a dwellinghouse, land east of Abbeyhill, Precinct Street, Coupar Angus – Report 20/95 – Clarencebank Developments Ltd**

Mr K Miles, objector to the application, addressed the Committee via audio conference.

Motion (Councillors R McCall and W Wilson)

Grant, subject to the following 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.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.**
2. **All external doors and windows shall be of timber construction. Prior to the commencement of the development hereby approved, precise specification details of all external doors and windows shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.**

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

Reason: In the interest of protecting the character and historic setting of the listed building.

3. Prior to the commencement of any development precise details relating to the construction materials, and finish of any entrance gate(s) shall be submitted shall be submitted to and for the further written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting the character and historic setting of the listed building.

4. The proposed UPVc rainwater goods are not approved. Prior to the commencement of the development, precise details of relating to the construction materials, and finish of all rainwater goods shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting the character and historic setting of the listed building.

5. Prior to the commencement of the development hereby approved, samples of all external finishes for both the dwellinghouse and the outbuilding shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting the character and historic setting of the listed building.

Justification

The proposal is in accordance with the Development Plan and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1997 and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).
2. This is approval of your application Ref no 19/01429/LBC for listed building consent only. It does not include any approval for your related

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

planning application Ref no 19/00090/FLL. No work should commence until all the associated pre-commencement conditions attached to the planning permission have been discharged in writing.

3. For the avoidance of doubt, the internal dwarf garden wall is listed and any proposed works to it will require a separate LBC.
4. This consent is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information. You should therefore submit the required information more than two months before your consent expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your consent lapses.

Amendment (Councillors C Purves and R Watters)

Refuse, on the grounds that the listed building proposal fails to preserve or enhance the setting of Abbeyhill or the Conservation Area.

In accordance with Standing Order 58, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Brawn, T Gray, D Illingworth, I James, R McCall, M Williamson and W Wilson

5 members voted for the Amendment as follows:

Councillors M Barnacle, E Drysdale, C Purves, C Reid and R Watters

Resolved:

In accordance with the Motion.

- (ii) **19/01673/AML - CROOK OF DEVON - Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL), land north west of Schiehallion, Crook of Devon – Report 20/96 – Mr, Mr and Ms Duncan, George and Catriona Shand**

Councillor W Robertson, local member, addressed the Committee via audio conference.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

Motion (Councillors R McCall and I James)

Grant, subject to the conditions and informatives contained in Report 20/96.

Amendment (Councillors M Barnacle and T Gray)

Refuse, as the proposal is contrary to the following policies of the 2019 Perth & Kinross Local Development Plan 2:

Placemaking Policy 1A as it fails to contribute positively to the quality of the surrounding built and natural environment;

Residential Areas Policy 17 as it fails to provide infill residential development at a density representing the most efficient use of the site while respecting its environs;

Affordable Housing Policy 20 as it has not been demonstrated through a viability assessment that development proposal which incorporates affordable housing on-site is not possible.

In accordance with Standing Order 58, a roll call vote was taken.

Due to a loss of internet connection, Councillor H Anderson did not take part in the vote.

4 members voted for the Motion as follows:

Councillors B Brawn, D Illingworth, I James and R McCall

8 members voted for the Amendment as follows:

Councillors M Barnacle, E Drysdale, T Gray, C Purves, C Reid, R Watters, M Williamson and W Wilson

Resolved:

In accordance with the Amendment.

THERE FOLLOWED A 15 MINUTE RECESS

HAVING DECLARED A NON-FINANCIAL INTEREST IN ARTS. (20/00007/FLL and 20/00061/CON) COUNCILLOR E DRYSDALE LEFT THE MEETING AT THIS POINT.

Prior to consideration of applications 20/00007/FLL and 20/00061/CON Councillor E Drysdale, local member, followed by Ms T Fleuchar, objector, addressed the Committee via audio conferencing.

- (iii) **20/00007/FLL - PERTH - Demolition of gym, conversion and erection of 12 flats, formation of communal courtyard and**

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

**associated works, 15 Canal Street, Perth – Report 20/97 –
Mr Binning and**

Motion (Councillors T Gray and C Purves)

Grant, subject to the following conditions and informatives:

- 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.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.**
- 2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.**
- 3. Prior to the commencement of the development hereby approved, details of the specification, finish and colour of the proposed replacement and new windows and doors to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.**
- 4. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all**

reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

5. Prior to the commencement of development a Construction Management Plan which should include mitigation measures and monitoring to control dust emissions from the site from demolition and construction activities shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as subsequently agreed shall be implemented throughout the demolition and construction stage of the development.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

6. The sound insulation and sound transmission properties of the structure and finishes of residential units shall be such that any airborne noise from the operations within the adjoining commercial hotel premises does not constitute a statutory noise nuisance as determined by the Council as Planning Authority.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

7. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site which would result in noise which could be considered a statutory nuisance outside the following times: Monday-Friday 07.00 to 19:00-hours, Saturday 08.00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

8. Prior to the commencement of works on site, 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;

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

- I. the nature, extent and type(s) of contamination on the site
- 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.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority.

Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

9. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council as Planning Authority. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided. The agreed RTP should be issued to residents at the time of their occupation.

Reason: To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

10. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 14 cycles shall be provided within the site to the satisfaction of the Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

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)).

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
7. The applicant is advised that there is an abandoned lade which runs along Canal Street. This is believed to run underneath the main road, however if this is exposed during excavation works, contact should be made with the flooding team.
8. The applicant should be 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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

design from Scottish Water and the Scottish Environmental Protection Agency.

- 9. Please apply to the Street Naming and Numbering Officer, The Housing & 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.pck.gov.uk and should be returned to snn@pck.gov.uk.**

Amendment (H Anderson and R Watters)

Refuse on the basis the proposal is contrary to Policy 16 of the 2019 Perth & Kinross Local Development Plan 2 as it entails the loss of a building which is currently used, in part, for community purposes and will seriously affect the availability of such community facilities in the City centre;
The proposal is contrary to Policy 5 of TayPlan 2016-2036;
The loss of the current gymnasium and its associated customer base will have a detrimental impact on the economic wellbeing and vitality of the City centre.

DUE TO CONVENER'S INTERNET CONNECTION FAILING THERE WAS A SHORT RECESS.

In accordance with Standing Order 58, a roll call vote was taken.

Due to a loss of internet connection, Councillor D Illingworth did not take part in the vote.

7 members voted for the Motion as follows:

Councillors M Barnacle, B Brawn, T Gray, I James, R McCall
C Purves and W Wilson

4 members voted for the Amendment as follows:

Councillors H Anderson, C Reid, R Watters and M Williamson

Resolved:

In accordance with the Motion.

- (iv) 20/00061/CON - PERTH - Demolition of building, 15-17 Canal Street, Perth – Report 20/98 – Mr Binning**

Grant, subject to the following 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.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

2. Prior to commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.

3. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

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 Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. This conservation area consent is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

the required information to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information. You should therefore submit the required information more than two months before your consent expires. We cannot guarantee that submissions made within two months of the expiry date of your consent will be able to be dealt with before your consent lapses

(v) 20/00217/FLL - ABERARGIE - Erection of indoor equestrian facility, Riding Establishment, Netherton Farm, Aberargie, Perth – Report 20/99 – Mr David Wilkie

Mr R Taylor, agent on behalf of the applicant, addressed the Committee via audio conferencing.

Resolved:

Grant, subject to the following amended 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.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to commencement of development a Waste Management Plan for the stables shall be submitted for the approval of the Planning Authority. The Plan shall include: the frequency that manure will be removed from the equestrian building; how waste will be handled and managed; provisions for storage including locations; and any provisions for removing waste from the site, so as to ensure that odour and infestation is minimised. The Plan as approved shall thereafter be implemented to the satisfaction of the Council as Planning Authority.
Reason: In order to safeguard the residential amenity of the area.
3. The delivery and collection of goods and horses at the premises shall only take place between 0630 and 2100 Monday to Saturday and 0800 and 1900 on Sunday and at no other time.
Reason: In order to safeguard the residential amenity of the area.
4. The development hereby approved shall be designed and constructed so as to be flood resilient, in order to reduce the extent of potential flood damage and thereby reduce

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

repair costs and speed up building restoration should a flood event occur.

Reason: In order to take account of the flood risk from the River Farg.

5. Prior to commencement of the development, a condition survey shall be undertaken for the length of the private access from the A913 to the development site. The survey shall inform a detailed drawing which must be submitted to and approved by the Council as Planning Authority in writing prior to commencement of any development.

The scope of the submission shall include:

- a. Provision of a passing place as Figure 1 below, at approximately half distance between the existing passing place located to the north-east of Farndale and the junction with A913;
- b. Specification for upgrade and repair of the track over its entire length to a bituminously bound surface;
- c. Incorporate signage for both directional and advisory speed limit at identified locations along the length of the private access.

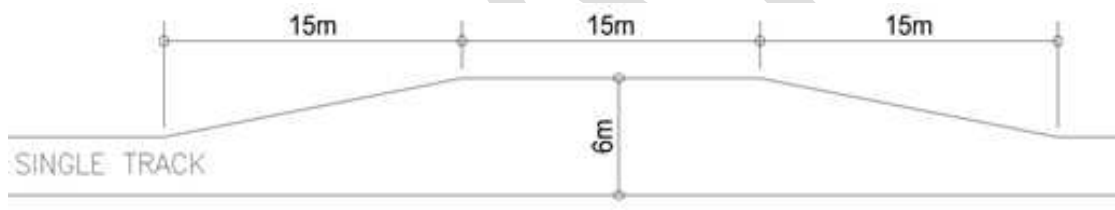


Figure 1

The details as subsequently approved shall be implemented in full prior to the development hereby approved being brought into use and thereafter be maintained for a period of not less than 12 months.

Reason: In the interests of pedestrian and traffic safety and free traffic flow.

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
6. Regulatory advice with regard drainage to the nearby River Farg should be sought from the Scottish Environmental Protection Agency (SEPA).
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

PROPOSAL OF APPLICATION NOTICE (PAN)

20/00003/PAN - MURTHLY - Erection of poultry rearing sheds, managers dwellinghouse, amenity and storage buildings and associated works, Murthly – Report 20/100 – Aviagen Ltd

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JUNE 2020

Councillor Wilson requested that consideration be given to the relationship with neighbouring uses, including; proximity of the school in respect of assessment for noise and colour, transport considerations and the need to pay attention to heavy vehicle movements, and the concerns of residents including size, scale and location.

Councillor James requested that consideration be given to the size and location of the development, and access and traffic to the site.

Members noted the issues identified by the Head of Planning and Developments Report.

DRAFT