

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 5 June 2019 at 10.00am.

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

In Attendance: A Condliffe, D Niven, J Scott, A Belford, L Reid and D Salman (all Housing and Environment); C Elliott, L Potter, M Terava and D Williams (all Corporate and Democratic Services).

Apologies for Absence: Councillors I James, L Simpson and R Watters.

Councillor R McCall, Convener, Presiding.

295. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

296. DECLARATIONS OF INTEREST

Councillor Forbes declared both a financial and non-financial interest in Art. 299(3)(i).

297. MINUTES

The minute of meeting of the Planning and Development Management Committee of 8 May 2019 (Arts. 237-241) was submitted, approved as a correct record and authorised for signature.

298. DEPUTATIONS

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

Planning Application No.
19/00143/AML

Art. No.
299(2)(i)

299. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 17/00950/IPM - BLACKFORD - Mixed use development comprising holiday accommodation, spa, restaurants, retail, public house, events spaces, storage, landscaping and associated infrastructure, land north west of Easterton Farm, Blackford – Report 19/165 – The Gleneagles Hotel**

J Scott, Team Leader, updated members as follows:

(i) paragraph 83 of Report 19/165 advises that appropriate assessment is not required., That assessment is required and has been undertaken and published; (ii) for recommended condition 31, the reference to condition 3(xvi) should read condition 3(iii); and (iii) informative 4 is not required as there is the direction.

Resolved:

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

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years.

Conditions

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

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

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2. The masterplan and numbers as submitted is purely indicative and is not approved.
Reason: The application is for planning permission in principle only at this stage and details of a layout would be considered in subsequent applications for the Approval of Matters Specified in Conditions.
3. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Approval of Matters Specified Condition' (AMSC)) have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) an updated masterplan and a phasing plan;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point; details of all cut and fill operations;
 - (iii) the siting, design, height and external materials of all buildings, structures, roads and camping areas;
 - (iv) the details of all accesses, roads, car parking, footpaths, cycleways, path connections throughout the development;
 - (v) the details of public road widening/improvement and footpath improvement/connection with Gleneagles Hotel and Auchterarder;
 - (vi) details of any screen walls/fencing to be provided
 - (vii) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (viii) details of all landscaping, structure planting and screening associated with the development of each site;
 - (ix) the lighting of all roads and paths;
 - (x) the layout of any play areas and the equipment to be installed;
 - (xi) details of watercourse alignments and any de-culverting
 - (xii) full details of the proposed means of disposal of foul and surface water from the development;
 - (xiii) details of car charging points to be provided within the car park;
 - (xiv) updated ecological/biodiversity/protected species/breeding bird survey;
 - (xv) submission of Construction and Environment Management Plan (CEMP);
 - (xvi) archaeological assessment;

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(xvii) noise assessment; and

(xviii) air quality assessment.

Reason: To ensure that the matters referred to within this Planning Permission is Principle are given full consideration and to accord with the requirements of Section 59 Town and Country Planning (Scotland) Act 1997 (as amended).

4. In pursuance of Condition 3(xiv), a detailed protected species survey covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

5. In pursuance of Condition 3(xiv), a detailed breeding bird survey covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

6. In pursuance of Condition 3 (xiv), an updated ecology report covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

7. In pursuance of Condition 3 (xiv), a biodiversity action plan covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

8. Prior to the operation of the facility, all the relevant measures stated within the applicant's Recreation and Access Management Plan (RAMP) shall be fully implemented. For the avoidance of doubt, the implementation of these measures needs to take account of the presence of wintering geese and be done between

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May and September or 1 hour after dawn to 1 hour before dusk during the period October to April.

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).

9. Prior to the operation of the facility, and as noted in the RAMP, a programme of mitigation shall be submitted to and for the approval of the Planning Authority in consultation with SNH.

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).

10. No site clearance or removal of vegetation, including trees and shrubs will take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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).

11. As part of any application for the Approval of Matters Specified by Condition (AMSC), measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be incorporated within proposals and, once approved, implemented for the duration of the construction works of the development. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

12. In pursuance of Condition 3 (viii), where it is intended to create semi-natural habitats, a detailed native species planting proposal shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interests of protecting environmental quality and of biodiversity.

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13. In pursuance of Condition 3 (iii), as part of any application for the Approval of Matters Specified by Condition (AMSC), details of the location and specification of swift brick(s) and bat nest box(s) shall be incorporated in to the submitted application for the approval in writing by the Council as Planning Authority. Thereafter, the swift brick(s) and bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation/operation of the relevant building.
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).
14. In pursuance of Condition 3 (iii and viii), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to any work starting, on the relevant parts of the site, a tree survey shall be submitted to identify all trees on site, all trees to be retained, including ancient woodland, as identified in the submitted surveys. Thereafter, all trees to be retained shall be 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.
15. In pursuance of Condition 3 (xv), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
Reason: In the interest of protecting environmental quality and of bio-diversity.
16. In pursuance of Condition 3 (xvi), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secure 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

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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: In the interest of protecting archaeological interest within the site.

17. In pursuance of Condition 3(xvii), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.
Reason: In the interest of residential amenity.
18. In pursuance of Condition 3(xviii), should any wood burning stoves /flues and fire pits be proposed, an air quality assessment shall be required to be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall assess the impact of these facilities on the air quality of the environs.
Reason: In the interest of residential amenity and air quality.
19. In pursuance of Condition 3(xvii and xviii) a Construction Management Plan (CMP), detailing pollution prevention, control and mitigation measures for noise and dust shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).
Reason: In the interest of residential amenity.
20. In pursuance of Condition 3(iv), a plan of public access across the site (existing, during construction & upon completion) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall illustrate:
 - a) all existing paths, tracks & any (including proposed) 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.

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- 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.

21. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the approved phasing plan.

Reason: To ensure the implementation and completion of the proposed development

22. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) 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;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;

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- (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: To mitigate the adverse impact of development traffic.

23. In pursuance of condition 3 (xi) full details and method statements of any proposed de-culverting of watercourses shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).
Reason: To prevent flood risk.
24. As required by condition 3 (xii), storm water drainage from all hard surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.
25. In pursuance of condition 3 (xii), full drainage calculations and the final layout and depth of the proposed lochans and associated infrastructure shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The agreed detail shall thereafter be implemented prior to the completion of development.
Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.
26. As required by condition 3 (xii), the developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.
27. In pursuance of Condition 3 (ii) and (iii), any application for the Approval of Matters Specified by Condition (AMSC) shall detail that the Finished Floor Level of all properties shall be a minimum of 600mm + 20% Climate Change above the 200 year flood level.
Reason: To reduce the risk of flooding.

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28. In pursuance of condition 3 (xii) details of the soffit level of any bridges or culverts shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The agreed detail shall thereafter be implemented prior to the completion of development.
Reason: To reduce the risk of flooding.
29. In pursuance of condition 3 (xii), details of the foul drainage system shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). For the avoidance of doubt foul drainage from the site shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant.
Reason: In the interests of public health and to prevent pollution.
30. In pursuance of condition 3 (viii), the hard and soft landscaping scheme, including woodland shelter planting, submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:
- (i) existing and proposed finished ground levels relative to a fixed datum point;
 - (ii) existing landscape features and vegetation including ancient woodland to be retained;
 - (iii) existing and proposed services including cables, pipelines and substations;
 - (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
 - (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
 - (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
 - (vii) an indication of existing trees, shrubs and hedges to be removed;
 - (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.
- 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.

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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.

31. In pursuance of Condition 3 (iii), a site specific plan, detailing bin storage areas, collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

32. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason: In order to clarify the terms of the permission; to control and restrict the use of the buildings.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 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 38 the notice must be
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.

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4. 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.
5. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
6. 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, Housing and Environment, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
7. Please consult the Street Naming and Numbering Officer, Housing and Environment, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
8. 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.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. 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.
11. The applicant should be advised that a caravan and camping licence is required in terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to The Environment Service (Environmental Health) if planning consent is approved.
12. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
13. Please contact Scottish Water as further investigations may be required to be carried out as there is a 12" Trunk Water Main running through this site.
14. No works are to be undertaken in the vicinity of the gas pipelines and that no heavy plant, machinery or vehicles

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cross the route of the pipeline until detailed consultation has taken place with the operator (Ineos).

- (ii) **18/02213/IPM - CRIEFF - 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 application) and Condition 3 (phasing of development) of planning permission 15/01237/IPM (mixed use development (in principle)), land at Broich Road, Crieff – Report 19/166 – Robert Simpson and Son**

D Niven, Team Leader, updated members as follows: (i) paragraph 77 of Report 19/166 incorrectly makes reference to the Perth and Kinross Local Development Plan 2014, which in fact preceded the approval of Planning Application 15/01237/IPM; and (ii) recommended condition 4 should refer to condition 3, not 2.

Resolved:

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

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (18/02213/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

Conditions

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

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.

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2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) an updated phasing plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, structures and cycleways throughout the development;
 - (v) details of any screen walls/fencing including retaining walls to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of all landscaping, structure planting and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) protection of scheduled monument;
 - (x) a Construction and Environment Management Plan (CEMP);
 - (xi) a Site Waste Management Plan (SWMP);
 - (xii) lighting details;
 - (xiii) bin storage, collection location and recycling facilities provision;
 - (xiv) air quality mitigation;
 - (xv) noise impact assessment;
 - (xvi) updated ecology survey;
 - (xvii) tree survey;
 - (xviii) contaminated land assessment;
 - (xix) a Green Travel Plan (GTP); and,
 - (xx) archaeological assessment.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

3. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below.

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- (i) Phase 1 and 2 of the employment land development as shown on the agreed phasing plan required by condition 2(i) must be fully serviced before the occupation of the 100th open market residential dwelling;
- (ii) Phase 3 and 4 of the employment land development must be fully serviced before the occupation of the 200th open market residential dwelling; or following take up of at least 60% of Phase 1 and 2 of the employment land development whichever is the later;
- (iii) the structure planting required by condition 2(vii) of this consent must be planted along the site boundary with the Arnbro caravan site before the start of construction of residential dwellings.

Reason: To ensure the implementation of the employment land component of the proposal.

4. In pursuance of Condition 3 (iii), (iv) and (v), a development brief shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The briefs shall specify:
- (i) the height and appearance of all new structures;
 - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
 - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
 - (iv) the lighting of all streets and footpaths;
 - (v) the layout of play areas and the equipment to be installed;
 - (vi) maintenance of all open space and treed areas not included in private house plots;
 - (vii) details of car charging points to be provided within the development;

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

Reason: In order to give further consideration to those details which have still to be submitted.

5. No part of the development shall commence until an agreed financial contribution has been paid towards a road improvement scheme (including public transport) that mitigates the impact of the proposed development on the local and trunk road network be paid. The details of this provision shall be agreed in writing with the Planning Authority. If this not achievable a Section 75 legal agreement will be required between the applicant and the Council.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

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6. The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance approved in September 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.
7. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in September 2016 all to the satisfaction of the Council as Planning Authority.
Reason: To comply with the Council's approved Education Contributions policy.
8. In pursuance of Condition 2 (ix), a development brief to protect Scheduled Monument 9135 and its settings shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).
Reason: In the interest of protecting the scheduled monument and archaeological interest within the site.
9. In pursuance of Condition 2 (viii), full details of the finalised SUDS scheme including Drainage Impact Assessment for all individual phases of development shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).
Reason: To ensure adequate protection of the water environment from surface water run-off.
10. In pursuance of Condition 2 (x), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
Reason: In the interest of protecting environmental quality and of bio-diversity.
11. In pursuance of Condition 2 (xiii), a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).
Reason: To ensure there is adequate provision for waste disposal and recycling.
12. In pursuance of Condition 2 (xiv), a scheme of mitigation to improve air quality shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).
Reason: In the interests of public health and to prevent pollution.

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13. In pursuance of Condition 2 (xv), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.
Reason: In the interests of public health and to prevent noise pollution.

14. In pursuance of Condition 2 (vii), the hard and soft landscaping scheme submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:
- (i) existing and proposed finished ground levels relative to a fixed datum point;
 - (ii) existing landscape features and vegetation to be retained;
 - (iii) existing and proposed services including cables, pipelines and substations;
 - (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
 - (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
 - (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
 - (vii) an indication of existing trees, shrubs and hedges to be removed;
 - (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

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.

15. In pursuance of Condition 2 (xvi), the Ecology Survey undertaken in respect of In Principle application

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15/01237/IPM shall be updated and re-submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

16. In pursuance of Condition 2 (xviii), an intrusive contaminated land investigation shall be submitted as part of any application for Approval of Matters Specified by Condition (AMSC). The investigation should identify;
- 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: To ensure details are acceptable to the Planning Authority and to safeguard residential amenity.

17. In pursuance of Condition 2 (xix), the Green Travel Plan (GTP) shall have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided regarding the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local and trunk road network.

18. In pursuance of Condition 2 (xx), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secured the implementation of a programme of archaeological work 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.

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Reason: In the interest of protecting archaeological interest within the site

Justification

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

Procedural Notes

A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

Informatives

1. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. 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.
3. The definition of 'fully serviced business land' in Condition 3 means the delivery of road infrastructure (including service road and pavements with access/junctions into business land plots, street lighting, road signage and sustainable urban drainage scheme) with services provided to each business plots access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

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6. 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, Housing and Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
7. Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders and wheelchairs as appropriate. Specifications should be based on those in "Lowland Paths Guide: A Good Practice Guide to Planning , Design, Construction and Maintenance of Lowland paths in Scotland – A Guide to Good Practice" published by SNH and Paths for All Partnership.
8. 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.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
11. A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

(2) Local Applications

- (i) 19/00146/AML - BLAIRGOWRIE - Erection of 3 dwellinghouses and garages (matters specified by conditions 17/02057/IPL), land north of Morvich House, Golf Course Road, Blairgowrie – Report 19/167 – Fotheringham Property Developments Ltd**

Mr K Crawford, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

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Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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 proposed boundary treatments for the site (both internally and along the sites wider boundaries) shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s) and the proposed.

3. Prior to the commencement of any development hereby approved, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

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

4. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site which includes additional tree planting, shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained

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to the satisfaction of the Council as Planning Authority., and any planting failing to become established within five years must be replaced in the following planting season with others of similar size, species and number.

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

5. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason: In order to ensure that existing trees and hedges are protected.

6. All trees and hedges identified for retention and any peripheral trees or hedges bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees and hedges shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: In order to ensure that existing trees and hedges are protected.

7. Prior to the commencement of the development hereby approved, details of the construction methodology for constructing the garage of Plot 3, which is within the root protection area of adjacent trees shall be submitted to the Council for the further approval in writing by the Council. The details shall be undertaken by a suitably qualified tree arboriculturist, and the subsequent approved details shall thereafter be implemented in full.

Reason: In order to ensure that the existing trees are adequately protected during the course of construction.

8. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's

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Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

9. The visibility splays of the access onto Woodlands Road, as shown in purple on plan 19/00146/12, shall be maintained and kept clear of any structures and planting.

Reason – In order to ensure that an acceptable level of forward visibility is maintained and that road and pedestrian safety is delivered.

10. No removal of hedgerows, trees or shrubs 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.

Reason: In the interests of protecting environmental quality and of biodiversity.

11. An updated survey to determine presence of red squirrel dreys must be undertaken if any tree / hedge felling is proposed after 1 February 2020. If the survey identifies the presence of dreys(s), Scottish Natural Heritage must be consulted in respect of any need and implications for any application for a licence.

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.

12. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.

Reason: In the interests of protecting environmental quality and of biodiversity.

Justification

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

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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. An application for Building Warrant will be required.
5. 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 design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that deadwood is an important habitat and food source for many rare and threatened species. Leaving some of the felled trees in tact on the ground or cut into small piles, would enhance the biodiversity value of the site, and is advised.
7. 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.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to

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remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

9. In the event that there is a Section 75 legal obligation associated with this planning permission, which relates to education contributions. A copy is available to view on the Council's Public Access portal.

(ii) 19/00377/FLL - PERTH - Change of use of hairdressers (class 1) to café (class 3), Louis T'ney Hair and Beauty, 8 West Mains Avenue, Perth, PH1 1QZ – Report 19/168 – West End Bistro

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 the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained to the satisfaction of the Council as planning authority.
Reason: In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.
3. All plant or 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 25 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 to the satisfaction of the Council as planning authority.
Reason: In order to safeguard the neighbouring residential amenity in the area.
4. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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Reason: In order to safeguard the residential amenity of the 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 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. An application for Building Warrant may be required.

HAVING PREVIOUSLY DECLARED BOTH A FINANCIAL AND NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, COUNCILLOR FORBES LEFT THE MEETING AT THIS POINT.

(3) Proposal of Application Notice (PAN)

- (i) **19/00001/PAN - ERROL - Change of use from clay extraction pit to form extension to caravan park, formation of 9 hole pitch and putt course and erection of ancillary maintenance shed, and formation of parking areas, footpaths, boundary treatments, landscaping and associated works, land east of Errol Brickworks, Errol – Report 19/169 – Errol Ground Ltd**

Councillor McCall requested that consideration be given to connecting the development to the local path network.

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

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