

## 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 11 April 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale (Art \*\* (2)(ii) onwards), T Gray, I James, A Jarvis, W Robertson (substituting for Councillor W Wilson), L Simpson and R Watters.

In Attendance: N Brian, A Condliffe, D Niven, J Scott, G Bissett, M Lee, L Reid, D Salman, C Stewart and R Stewart (all The Environment Service); C Elliott and D Williams (Corporate and Democratic Services).

Apologies: Councillor W Wilson.

Councillor R McCall, Convener, Presiding.

### . WELCOME AND APOLOGIES

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

### . DECLARATIONS OF INTEREST

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

### . MINUTES

The minute of meeting of the Planning and Development Management Committee of 14 March 2018 (Arts. 125-129) was submitted, approved as a correct record and authorised for signature.

### . DEPUTATIONS

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

Planning Application No.	Art. No.
17/01886/FLL	** (2)(i)
17/02118/FLL	** (2)(ii)

## **APPLICATIONS FOR DETERMINATION**

### **(1) Major Applications**

- (i) **17/00946/IPL – AUCHTERARDER – Formation of business park (class 4, 5 and 6) and associated works (allocated site E25) (in principle), land south of Field View, Windsole, Auchterarder – D King Properties (Scotland) Ltd**

J Scott, Team Leader, advised members that should the application be granted, with regards to Condition 1 of Report 18/118, reference to the 'Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008' should instead read 'Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013'.

#### **Resolved:**

**Grant**, subject to the following 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 (17/00088/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.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

development shall be implemented in accordance with the approved Delivery Plan unless otherwise agreed in writing by the Planning Authority. The phasing plan shall ensure the early delivery of the landscaping works.

3. The proposed site layout and phasing plan as submitted are indicative and are not approved.
4. No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery and phasing plan referred to in condition 2.
  - a) The delivery of the development in agreed phases
  - b) Details of any cut and fill operations.
  - c) Full details of the proposed means of disposal of foul water to serve the development.
  - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System for during construction and for the completed development.
  - e) The siting, design, height and external materials of all buildings or structures.
  - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
  - g) Details of any screen walls/fencing/planting to be provided.
  - h) Details of all landscaping, planting including structural planting and screening associated with the development.
  - i) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide). This scheme shall also ensure an access road provides a vehicular link to the remainder of the E25 allocation in the Perth and Kinross Local Development Plan 2014 which extends to the south west boundary of the application site.
  - j) Detailed specification of all street, footpath and other lighting including light spill details and mitigation
  - k) Detailed plan of connection between the site and adjacent footway networks and core paths
  - l) A detailed Construction Management Plan which includes monitoring and mitigation measures for the control of noise dust and vibration

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- m) A detailed Noise Impact Assessment prepared by a suitably qualified consultant
  - n) A detailed Air Quality Assessment
  - o) A detailed Energy Statement
  - p) A detailed Protected Species and Breeding Bird survey
  - q) A detailed Design Statement
- The development shall be implemented in accordance with the planning application(s).
- 5. Notwithstanding the terms of condition 3, the maximum Class 4 Office floor space on site is restricted to a gross floor space of 2992sqm.
  - 6. All trees on site shall be retained. A 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) of all retained trees on site shall be submitted as part any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. This plan shall ensure all protective tree 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 the construction of the development.
  - 7. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.
  - 8. In pursuance of condition 4 b), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.
  - 9. In pursuance of condition 4 c) and prior to the commencement of any works, full details of the finalised SUDS scheme for both during construction operations and for the completed development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.
  - 10. In pursuance of condition 4 (e, f and g), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
    - a) Existing and proposed finished ground levels relative to a fixed datum point.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines, substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) 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.

11. In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'

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

12. In pursuance of condition 4 (o) and prior to the commencement of any works an Energy Statement, shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. The statement shall adhere to the advice contained within SEPA's

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

consultation response dated 12 March 2018. All work shall be carried out in accordance with the approved statement.

13. The development of the site shall fully accord with the findings of the Flood Risk Assessment (FRA), dated February 2018 (doc ref: 17/00946/27 and 17/00946/28) to the satisfaction of the Council as Planning Authority. No built development or land raising shall occur within the 1 in 200 year plus climate change water level and finished floor levels shall be set no lower than 0.6m above the 1 in 200 year plus climate change water level indicated in the FRA.
14. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
15. No site clearance or removal of vegetation, including trees and shrubs will take place between 1<sup>st</sup> March and 31<sup>st</sup> 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.
16. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP 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 (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

**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. Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
3. 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.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
8. The applicant should be aware of the guidance available in relation to Japanese Knotweed which is outlined in SEPA consultation response dated 12 March 2018.

**(2) Local Applications**

**(i) 17/01886/FLL – RHYND – Erection of a clubhouse, formation of parking and associated works, land 70 metres north east of The Workshop, Rhynd – Tay Rowing Club**

Mr G Houston, President of Tay Rowing Club, supporter on behalf of the applicant, addressed the Committee, and, following his representation withdrew to the public benches.

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. 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.
3. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
4. Prior to the commencement of the development hereby approved, details of the specification and colour of the



PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

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.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. 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
7. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.
8. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.
9. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
10. 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.
11. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.
12. 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.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

13. The premises shall be used solely for the purposes of a rowing club. The use of the premises for any other purpose, including another purpose in Class 11 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Council as Planning Authority.

**Justification**

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

**Informatives**

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. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

permission for a development does not provide a defence against prosecution under this Act.

7. Perth and Kinross Council Environmental Health Team advise that noisy construction working should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy working on a Sunday.
8. The applicant is advised to review the consultation responses received on the application from Environmental Health, the Bio-Diversity Officer and Scottish Natural Heritage when preparing the Construction Environmental Management Plan.
9. Scottish Water Records indicate that there is a 1145mm Concrete Combined sewer running in the north of the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. It is your responsibility to accurately locate the position of the pipe for line and depth on site and annotate this information onto your plans. This information should be sent to the Scottish Water Asset Impact Team for review and acceptance using the email address below. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works. The stand-off distance for this sewer is 5 – 6.5 metres (dependent on depth) in every direction on the horizontal plane. No building, private garden or other obstruction should be located within the stand-off distance of a sewer.  
[Service.Relocation@scottishwater.co.uk](mailto:Service.Relocation@scottishwater.co.uk)

**(ii) 17/02118/FLL – PERTH – Erection of 26 flats, land at Allison Crescent, Perth – GS Brown Construction**

Mr Wilson, objector on behalf of several residents of Pullar Terrace, addressed the Committee, and, following his representation withdrew to the public benches.

Motion (Councillors B Band and H Anderson) – Grant, subject to the following terms, conditions and informatives:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to 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.
3. Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
  4. The footpath link to the south of the site shall be completed prior to the occupation of the first unit on site. The footpath shall maintained thereafter to the satisfaction of the Council as Planning Authority.
  5. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
  6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of any unit on site on site. The SUDS system shall accord with the details outlined in approved documents 17/02118/10, 14, 16, 17 and 18.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented. The treatment facility shall accord with the details outlined in approved documents: 17/02118/12, 13 and 15 and shall also include a sampling and observation point at the post treatment/prior to discharge to the surface water sewer point. Prior to development commencing on site, the applicants shall provide written confirmation from Scottish Water that they will accept drainage from the construction phase SUDS directly into their surface water network. If this confirmation cannot be provided, the applicants must provide an alternative means of draining the construction phase SUDS which shall be submitted to and agreed in writing by the Council, in consultation with SEPA, prior the commencement of any development on site. The system shall adhere to these approved details.
8. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
9. All construction operations on site shall strictly adhere to the Construction Method Statement hereby approved (doc ref:17/02118/11) to the satisfaction of the Council as Planning Authority.
10. The landscaped open space within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Justification

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

Informatives

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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- 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 developer should be aware of the regulatory requirements outlined within SEPA's consultation response dated 13 March 2018.

Amendment (Councillors W Robertson and M Barnacle) – Refuse the application, as it is contrary to Perth and Kinross Local Development Plan 2014, Policies PM1A and PM1B(c), as the development does not contribute positively to the area due to the three story element not respecting the character of the immediate area.

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

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, H Coates, T Gray, I James, A Jarvis, R McCall and R Watters.

4 members voted for the Amendment as follows:

Councillors M Barnacle, B Brawn, L Simpson and W Robertson.

**Resolved:**

In accordance with the Motion.

COUNCILLOR DRYSDALE ENTERED CHAMBERS DURING THE COURSE OF THIS APPLICATION BUT DID NOT PARTICIPATE NOR VOTE.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- (iii) **17/02161/FLL – ABERFELDY – Erection of 5 dwellinghouses and garages (revised layout and change of house types), site of former Cruachan House Residential Home, Kenmore Street, Aberfeldy – Kailneath Ltd.**

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site 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.
3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site 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.
4. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
5. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

6. 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.

**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 should be advised that in terms of Section 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 Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain Road Construction Consent from the Council as Roads



PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

Authority if they wish to offer the Road up for adoption by the Council.

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