

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
6 DECEMBER 2017

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 6 December 2017 at 10.00am.

Present: Councillors M Lyle, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, A Jarvis, R McCall, R Watters and W Wilson.

In Attendance: Councillors I Campbell and L Simpson; N Brian, A Condliffe, D Niven, J Scott, L Akroyd, A Belford, L Reid, D Salman and R Stewart (all The Environment Service); C Elliott, K Molley and D Williams (all Corporate and Democratic Services).

Councillor M Lyle, Convener, Presiding.

**694. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting. There were no apologies for absence.

**695. DECLARATIONS OF INTEREST**

Councillor T Gray declared a non-financial interest in Art. 698(3)(i).

**696. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 15 November 2017 (Arts. 653-657) was submitted, approved as a correct record and authorised for signature.

**697. DEPUTATIONS**

In terms of Standing Order 24, the Convenor decided that requested deputations would not be heard on Art. 698(i) with deputations having been heard at a previous meeting of the Committee and the item then deferred for the purpose of a site visit.

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

**Planning Application No.**  
17/01563/FLL

**Art. No.**  
698(3)(iii)

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**698. APPLICATIONS FOR DETERMINATION**

**(1) Applications Previously Considered**

- (i) 17/00806/FLM – MILNATHORT – Erection of 77 dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works on land north of Linden Park Road, Milnathort – Report 17/396 – Dundas Estates and Development Co. Ltd**

In terms of Standing Order 18, it was agreed that only Members who had both attended the first consideration of Art. 698(1)(i) and completed a site visit would be eligible to vote on Art. 698(1)(i). Councillors H Anderson, B Band, H Coates, A Jarvis and R McCall declared that they would not be eligible to vote on the item.

Anne Condliffe, Interim Development Quality Manager, advised that should the Committee be minded to grant the application, recommended condition 6(b) and (c) be revised to refer to the approved scheme being implemented to the satisfaction of the Planning Authority, and additional conditions be added for approval of boundary materials and enclosures on site.

Motion (Councillors M Barnacle and W Wilson) – Refuse the application for the following reason:

The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, on the basis that the proposed density does not reflect the character of the surrounding area.

Amendment (Councillors E Drysdale and T Gray) – Grant the application subject to the following terms, conditions and informatives contained within Report 17/340, including revised condition 6(b) and (c), and additional conditions for boundary materials and enclosures on the site.

**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 any development hereby approved, pre-construction surveys to identify the presence of any otter holts within 200 metres both upstream and downstream from proposed Sustainable Urban Drainage System (SUDS) outfall in the Hatton/Burleigh Burn shall be submitted to the Planning Authority for approval. If otters are identified within this

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area the survey should be supported by a species protection plan. Thereafter works shall be undertaken in complete accordance with the approved surveys and any species protection plan.

3. Prior to the commencement of any construction works within 30 metres of trees TN6, TN7 and TN9, highlighted in Annex 2 of the Phase 1 Habitat and Protected Species Survey Report by MacArthur Green, date 2 May 2017 as having moderate bat roost potential, further surveys of these trees is required to assess the impact of the works on roosting bats are required. These surveys shall be submitted to the Planning Authority for approval no more than 6 weeks before any such works is to commence. If the surveys identify the presence of roost(s), Scottish Natural Heritage will be consulted in respect of any need and implications for any application for a licence.
4. In addition to the specific requirements of Conditions 2 and 3, should works not commence within 12 months of the approval further pre-construction ecological surveys shall be required to be submitted to the planning authority for approval not more than 6 weeks prior to commencement of approved works. Thereafter any works shall be carried in in complete accordance with any mitigation or exclusion measures identified.
5. In addition to the specific requirements of Conditions 2, 3 and 4, 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. Prior to the commencement of the development hereby approved, the following shall be submitted for the further written agreement of the Council as Planning Authority:
  - a) A 1:200 scale site plan which identifies the Construction Exclusion Zone (CEZ) and Root Protection Areas (RPA). The CEZ and RPAs as agreed shall be strictly adhered to during construction of the development and the protection measures, once in place, shall remain in place for the duration of construction;
  - b) A scheme that details protection methods for the CEZ and for all trees on site (other than those marked for felling on the approved plans) which have RPAs which fall within the site shall be retained and protected (including those subject of Milnathort Tree Preservation Order No 1 2017). The scheme shall provide that all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction and incorporate

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measures identified in the submitted 'Arboricultural Impact Assessment/Method Statement' prepared by Urban-Arb dated 5 May 2017. Thereafter the approved scheme shall be implemented to the satisfaction of the Council as Planning Authority.

- c) A scheme for the technical delivery of any development within the Root Protection Area (RPA) of the trees subject of the Milnathort Tree Preservation Order No 1 2017, such as pathways and underground drainage infrastructure. The pathway specifications shall comply with BS 5837 2012: Trees in Relation to Design, Demolition and Construction and the drainage infrastructure with The National Joint Utilities Group (NJUG) Guidelines Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees and identify and incorporate appropriate mitigation measures for the protection of these trees. Thereafter the approved scheme shall be implemented to the satisfaction of the Council as Planning Authority
7. Prior to the commencement of development, a scheme outlining measures for the protection of animals from being trapped in open excavations and/or pipe and culverts which shall be implemented for the duration of the construction works of the development hereby approved shall be submitted for the approval of the Planning Authority. 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. The approved scheme as agreed shall be implemented during construction of the development.
8. No removal of vegetation, including trees and shrubs will be permitted between 1<sup>st</sup> 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 for approval prior to commencement of works.
9. Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in drawing No. C1533.004 Rev: A shall be locally native

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species of local provenance unless otherwise agreed in writing with the local planning authority.

10. The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 50 properties, which shall be usable prior to the occupation of each property where the bricks have been installed.
11. Prior to the commencement of development design details and a detailed phasing plan shall be submitted to the Planning Authority for written approval for the following matters:
  - a) the provision of site access;
  - b) roads and footpaths layout, design and specification (including arrangements for the disposal of surface water); and
  - c) car parking provision.All of the above shall be designed in accordance with the standards required by the Planning Authority in consultation with the Roads Authority. Once the design is approved, no dwellinghouse within the respective phase/area of the development as agreed in the phasing plan shall be occupied unless this infrastructure has been constructed and is operational to the reasonable satisfaction of the Planning Authority.
12. Prior to the occupation of any dwellinghouse in the development hereby approved all arrangements for the disposal of all surface water (including temporary arrangements during construction) through Sustainable Urban Drainage Systems (SUDS) from the site shall be constructed and fully operational to the satisfaction of the Planning Authority in consultation with the Flood Prevention Authority.
13. 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 each dwellinghouse, whichever is the earlier.
14. Prior to the occupation of any dwellinghouse hereby approved, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. For paths in the areas identified in the 'Arboricultural Impact Assessment/Method Statement' prepared by Urban-Arb dated 5 May 2017, the specification shall include incorporation of specifications suitable within any Root Protection Areas. The agreed detail shall thereafter be implemented prior to the completion of the development.

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15. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to Core Path MTHT/133 as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
16. Prior to the commencement of development, a scheme for an onsite signage strategy for the direction and route of Core Path MTHT/133 and other routes through the site, for the purposes of identifying public access routes, shall be submitted for further written approval prior to the Planning Authority. The strategy shall include details for the timing and delivery of the scheme following the completion of any temporary diversion agreed under Condition 14 and shall thereafter be provided in accordance with the approved details prior to the occupation of any dwellinghouse hereby approved.
17. Prior to the commencement of development, and notwithstanding the submitted detail, further landscaping specification and a landscape management plan shall be submitted to and agreed in writing by the Council as Planning Authority, which includes:
  - a) Identification of long-term design objectives (including location and specification of species for all areas), management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens); and
  - b) a detailed delivery plan confirming the phased delivery of the site in respect of landscaping (including of public open spaces and pathways) and associated construction works. This plan shall specify that the phasing for delivery of the areas of open space, woodland and parkland indicated to the north, east and south of the site on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed in advance of the occupation of any phase of development.Thereafter the landscape management plan and scheme shall be fully implemented as agreed
18. 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

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prior to the completion or occupation of last house, whichever is the earlier.

19. A form of enclosure shall be installed on the footway frontage of North Street opposite the pedestrian access between Plots 14 & 15. Details of the enclosure shall be submitted to and agreed in writing by the Council as Planning Authority and the enclosure as approved shall be formed prior to the occupation of any of the Plots 12-17.

**Justification**

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

**Procedural Notes**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out in Para 11 of Report 17/396 has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

**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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management

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Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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 Environmental Protection Agency.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
  - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, 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.



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10. The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.
11. 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.
12. The applicant is recommended to incorporate a mini glass recycling point in strategic areas within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team.

Councillor R Watters moved a second amendment to alter the siting of the pedestrian crossing at the proposed site, were the application to be passed. Having failed to find a seconder, the second amendment fell.

THERE FOLLOWED A SEVEN MINUTE RECESS

In accordance with Standing Order 44, a roll call vote was taken.

3 Members voted for the Motion as follows:  
Councillors M Barnacle, I James and W Wilson.

5 Members voted for the Amendment as follows:  
Councillors M Lyle, B Brawn, E Drysdale, T Gray and R Watters.

**Resolved:**  
In accordance with the Amendment.

**(2) Major Applications**

- (i) **17/00204/AMM – PERTH – Erection of 70 dwellinghouses (approval of matters specified in conditions 12/01692/IPM) on land to the west of Cherrybank Gardens, Perth – Report 17/397 – Bellway Homes Ltd**

David Niven, Team Leader advised that, should he Committee be minded to grant the application, the procedure note should

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be amended to may result in the application being reassessed, and informative 5 should refer to phase 4.

**Resolved:**

**Grant**, subject to the following terms including revised procedure note, conditions and informatives, including revised informative 5:

**Conditions**

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, 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 and to the satisfaction of the Planning Authority.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development to the satisfaction of the Council as Planning Authority.
4. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse, are hereby revoked in full for all terraced dwellings (4) (Plots 54, 55, 56, 57) as detailed on the approved Site Layout Plan (drawing number: PB/Site 2/01 Rev F).
5. Notwithstanding the submitted drawing, an updated detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.

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7. The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
8. Prior to commencement of development, an updated and 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 to and approved in writing by the Planning Authority. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.
9. For the duration of all construction activities, where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.
10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

**Justification**

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

**Procedural Notes**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 17/00204/AMM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the

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planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers:

- Affordable housing contribution
- Education contribution
- Open Space provision and maintenance

**Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent 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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
5. The applicant is advised that this permission relates to just Residential Phase Four of the 12/01692/IPM planning approval for residential and employment uses of LDP site MU1. Further applications will be required to discharge the conditions for the remaining employment phases.
6. The applicant is advised that to enable any remaining negative suspensive conditions associated with the 12/01692/IPM planning approval to be fulfilled

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development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.

7. 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.
8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
9. 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, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
10. 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.
11. The applicant is advised that the works are likely to 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)
12. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
13. No work shall be commenced until an application for building warrant has been submitted and approved.
14. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

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**(3) Local Applications**

HAVING DECLARED AN INTEREST, COUNCILLOR T GRAY LEFT THE MEETING AT THIS POINT

**(i) 17/00546/FLL – BLACKFORD – Extraction of sand and gravel on land south east of Milton of Panholes, Blackford – Report 17/398 – Blackford Estates**

Anne Condliffe, Interim Development Quality Manager, advised that should the Committee be minded to grant the application, recommended condition 4 be revised to refer to approval of the restoration seed mix.

**Resolved:**

**Grant**, subject to the following terms, conditions, including revised condition 4, and informatives:

**Conditions**

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this permission.
2. The borrow pit hereby approved shall only be exploited to serve planning application 15/01637/FLL for the Blackford Rail Sidings. The total volume of mineral extracted from the mine shall not exceed 19,300m<sup>3</sup> of sand and gravel. No extraction is to occur within 20 metres of Network Rail's Boundary and all excavation/restoration shall be completed not more than 1 year from the date of commencement of the development (as indicated on the 'Notice of Initiation of Development').
3. Mineral extraction and processing shall only be carried out at the site between the hours of 0700-17:30 Monday to Thursday and 0700-15:30 on Friday only. No mineral extraction or processing will occur on Saturday or Sunday. No blasting shall take place on the site.
4. The working, restoration and aftercare of the site shall be carried out only in accordance with the working programme and plans that have been submitted to and approved in writing by the Planning Authority and thereafter implemented in accordance with the approved details to the satisfaction of the Planning Authority. Full details of the restoration seed mix shall be submitted and agreed in writing by the Council as Planning Authority prior to the commencement of extraction.
5. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and ecologically

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sensitive habitats and that light spillage beyond the boundaries of the site is minimised. No illumination of the site is permitted out with the operational hours outlined in condition 3 of this consent.

6. All vehicles, plant and machinery shall operate only during the permitted hours of mineral extraction and processing in condition 3 and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.
7. Only the plant machinery and equipment specified in the Noise Assessment submitted with this application (or similar plant which generates no greater sound power levels) shall be used on the mineral extraction site.
8. Should any aspect of the proposed operations result in justified nuisance complaints the applicant shall, if required by the Planning Authority, have qualified consultants carry out monitoring for noise or dust and provide reports to the Planning Authority. The applicant is required to take any reasonable remedial measures recommended in such reports. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limit  $L_{Aeq, 1 \text{ Hour}}$  46 dB (free field).
9. Prior to the commencement of operations, a satisfactory Environmental Management Plan must be submitted to and approved by the Planning Authority. The EMP should include:-
  - (a) a Dust Management Plan covering all operational activities.
  - (b) a Noise Control Plan covering all operational activities.
  - (c) Measure to prevent contamination of the site or any watercourse from oils, fuels, hydraulic fluids and anti-freeze to be stored or used on the site.Thereafter the measures contained with the EMP shall be implemented during the construction programme and records kept for perusal of the Planning Authority.
10. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the 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;

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- (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;
  - (l) all vehicles from the site transporting aggregate to the Blackford Rail Siding site shall be covered and measures shall be put in place to ensure no undue idling or waiting on the public road at extraction site and Rail Sidings sites occur.
  - (m) audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.
  - (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.

11. Prior to the commencement of the development an agreement dealing with liability for remedial work required as a result of damage to the local road network directly attributable to the construction of the development and allowing for pre- and post-construction surveys of the said



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local road network shall be submitted to and approved in writing by the planning authority, in consultation with the roads authority.

12. Prior to the commencement of any development on site a detailed plan and phasing proposal for the diversion works to the core path (BFLD/11) and signage needed to facilitate the development at the west and southern end of the site shall be submitted to and approved in writing by the Planning Authority. This plan shall fully detail the temporary arrangements, timescales and proposals for the diversion work to ensure that continued access along the core path and shall take account of any diversion works to (BLFD/3) and asserted Right of Way (29/3) associated with condition 20 of application 15/01637/FLL. The details, as approved in writing, shall be implemented as part of the development of the site and completed to the satisfaction of the Planning Authority prior to the site being brought into use.
13. No land raising shall occur within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent.
14. All surface water arising from the development must be collected and diverted away from Network Rail land. Water must not be caused to pond on or near railway land either during or after any mineral extraction.
15. All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.
16. Prior to the commencement of operations a satisfactory mitigation plan must be submitted to and approved by the Planning Authority in writing to deal with the sand martin resource at the site and shall include the following:-
  - (a) Identification of non-operational areas where suitable vertical faces can be provided to encourage sand martin colonisation along with timescales for the formation of these vertical faces.
  - (b) Identification of long-term retention areas that will not be extracted that can be left for breeding birds in future years.
  - (c) Between mid - March and mid-May the appointment of a suitably qualified ecologist or clerk of works at the developers' expense with the details of appointment being subject to the prior written agreement of the Planning Authority, to ensure the checking of all operational faces for evidence of sand martin nests along with the demarcation of areas which should not be

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disturbed and routinely monitor activities, with the ability to stop operations, make changes to demarcated areas and working practices as necessary.

Thereafter the measures contained with the mitigation plan shall be implemented during the construction programme and records kept for perusal of the 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. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
5. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are

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subject to a minimum prior notice period for booking of 20 weeks.

6. It is suggested that signing up to a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 could fulfil the aims of condition 11 in respect of the public roads used to transport the borrow pit material.

COUNCILLOR T GRAY RETURNED TO THE MEETING

**(ii) 17/00992/FLL – DUNKELD – Siting of a mobile crusher and screener on land South of 1 Deans Park, Deans Park, Dunkeld – Report 17/399 – Mills Contractors Ltd**

**Resolved:**

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

**Conditions**

1. Permission is hereby granted for a limited period until 1 December 2022. Prior to this date, the use of all plant and machinery associated with this development shall cease, and all associated equipment removed from the site.
2. 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.
3. Noise from any plant and machinery associated with this development shall be controlled so that noise levels do not exceed 55dB LAeq, 1 hour (free field) at any adjacent dwellinghouse.
4. Prior to the commencement of any development, confirmation of the model of both crusher and screener shall be submitted to the Council as Planning Authority for approval. Any change from the approved model(s) shall be agreed with the Council before being brought into site. All plant and equipment shall thereafter be operated and maintained according to the manufacturer's recommendations. This includes all necessary servicing and the provision of satisfactory exhaust systems to ensure that noise emissions are minimised. Records regarding all services and modifications made to all plant and equipment shall be kept on site and shall be available for inspection by the Council as Planning Authority.
5. The hours of operation of the plant and equipment hereby approved shall be limited to 0700 hours to 1900 hours Monday to Friday and 0800 to 1300 on Saturdays, with no operation on Sunday.
6. Prior to the development commencing, a Dust Management Plan must be submitted for the approval in

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writing by the Council as Planning Authority. The plan must include adequate precautions to ensure that all times and at all stages of the process (including reinstatement), dust generation on the site and outwith, is minimised by implementing agreed dust prevention measures e.g. wheel washing facilities. The plan shall also provide details of future monitoring and reporting on the successfulness of the plan. The approved plan shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

**Justification**

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

**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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

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**(iii) 17/01563/FLL – FEARNAN – Erection of a replacement dwellinghouse at site of former Bruaich Cottage, Fearnan – Report 17/400 – Professor and Mrs Paterson**

Mr R Wagland, an objector to the application, followed by Mr J Denholm, Denholm Partnership LLP, agent for the applicants, addressed the Committee and, following their respective representations, 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. 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.
3. 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.
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

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measures, once in place, shall remain in place for the duration of construction.

5. The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A 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.
5. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

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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 permission for a development does not provide a defence against prosecution under this Act.
7. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.

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