

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually via Microsoft Teams on Wednesday 29 April 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, A Bailey (substituting for M Barnacle), E Drysdale, T Gray, D Illingworth, I James, G Laing (substituting for vacant position), C Purves, C Reid, R Watters and W Wilson (Councillor Wilson joined the meeting at approximately 10.15am).

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

Apologies: Councillor M Barnacle.

Councillor R McCall, Convener, Presiding.

Prior to the commencement of business both Councillor McCall and Councillor Laing paid tributes to the late Councillor Bob Band.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 11 March 2020 (Arts.) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

There were no requests for deputations.

APPLICATION FOR DETERMINATION

(1) Major Application

- (i) **19/01165/AMM - CRIEFF - Erection of 246 dwellinghouses, formation of vehicular accesses, play park, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM), land 200 metres south west of Wiltshire Foods, Broich Road, Crieff (Part of LDP Site MU7) – Report 20/87 – Ogilvie Homes Limited**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, 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.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.
3. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority 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) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from

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- construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) 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;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

4. Prior to the commencement of development, schemes to provide:

- a) a signalised pedestrian crossing(s) on Broich Road and into the site; and
- b) a vehicular link along the eastern boundary connecting with the approved PPP site,

Shall be submitted to, and approved in writing by, the Council as Planning Authority. Each scheme shall confirm the location, specification, detailed design and delivery timescales of the pedestrian crossing(s) and vehicular linkage. The scheme for the approved crossing shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse. The scheme for the approved vehicular link shall be implemented prior to the occupation of the 200th dwellinghouse.

Reason: In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

5. No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted to, and approved in writing by, the Council as Planning Authority. The Travel Plan will have 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.

Reason: In the interests of sustainable transport.

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6. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.
Reason: In the interest of pedestrian and cycle safety.
7. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
- a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.
- Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.
Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.
8. Prior to the commencement of development, and in conjunction with the other details of the approved landscaping scheme, an updated planting scheme with greater numbers of native species should be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved planting scheme shall be implemented in full as part of the approved landscaping scheme and maintained to the satisfaction of the Council as Planning Authority.
Reason: To ensure the satisfactory implementation of the proposed planting scheme.
9. The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted to the satisfaction of the Council as Planning Authority.

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

10. The children's play area (plan reference 19/01165/74) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

11. Two months prior to commencement of development an updated Construction Environment Management Plan (CEMP) shall be submitted for the approval of the Planning Authority in consultation with Environmental Health. The CEMP 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.

12. Prior to the commencement of development an updated Ecological Assessment including Protected Species Assessment shall be submitted for the approval of the Council as Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed assessments.

Reason: To ensure an up-to-date record of biodiversity in the area; In the interest of protecting environmental quality and of bio-diversity.

13. Two months prior to the commencement of development a Biodiversity Management Plan (BMP) shall be submitted for the approval of the Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed BMP.

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

14. 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

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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.

15. Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

16. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 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 Planning Authority.

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

17. All existing trees and hedgerows shown to be retained including those trees outwith the site with Root Protection Areas within the site shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

18. All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

19. Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning Authority for the provision of a recycling facility to complement the existing kerbside recycling services

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offered in the area. The facilities/equipment shall thereafter be maintained.

Reason: In the interests of environmental quality.

20. 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.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

21. 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.

22. Prior to the commencement of development, detailed Micro-Drainage results and mitigation shall be submitted to and approved by the Planning Authority in consultation with the Council's Structures and Flooding Department. Thereafter the development shall be fully undertaken in accordance with the agreed details.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

23. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To allow district heating to be incorporated within the site at a future date.

24. 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

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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.

25. Prior to the occupation of any residential properties, at the site adjacent to the existing commercial use a 2.5 metre acoustic fence and a 30 metre stand-off zone, in which no housing development will be occupied until these commercial properties cease operations, shall be installed in accordance with the recommendation of the submitted Noise Impact Assessment dated 11 July 2019 and the Noise Mitigation Plan (plan reference: 19/0165/31).

Reason: In the interests of residential amenity.

26. Prior to the commencement of development the developer shall submit a glazing specification for all windows to bedrooms, for the written approval of the Council as Planning Authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the Planning Authority, prior to the occupation of the dwellings.

Reason: In the interests of residential amenity.

27. Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.

Reason: In the interests of sustainable transport.

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.

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Procedural Notes

Consent shall not to be issued until a Section 75 Agreement to secure the delivery of affordable housing, primary education contributions and transport infrastructure improvements on Broich Road. 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 will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

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. 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 in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.

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6. 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 Environment Protection Agency.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
8. 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 and should be returned to snn@pkc.gov.uk.
9. 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.
10. 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.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. 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.
13. 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 permission for a development does not provide a defence against prosecution under this act.
14. The applicant is reminded of existing ongoing obligations pertaining to PPP 18/02213/IPM and the suspensive conditions as set out.
15. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

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16. There is a Section 75 legal obligation associated with this planning permission, which relates to financial contributions towards primary education, affordable housing, transport infrastructure improvements and the provision and maintenance of open space and play area. A copy is available to view on the Council's Public Access portal.

(ii) 19/01927/MWM - AUCHTERARDER - Mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3) (in part retrospect), land SW of Arns Farm, Auchterarder – Report 20/88 – C J and A Lockett

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Within 6 months of the date of this decision a detailed Water Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The Water Management Plan shall include full details of the management of surface water during earthworks or stockpiling of soils and shall include details of silt management devices, cut off drains, proposed abstractions and welfare drainage. It should also detail de-watering details if this is proposed. The details, as approved in writing, shall be strictly adhered to for the duration of the operations on site to the satisfaction of the Council as Planning Authority.
Reason: To ensure adequate management of water on site.
3. Within 6 months of the date of this decision notice, an Invasive Non-Native Species Control Plan shall be submitted to and approved in writing by the Planning Authority. The Invasive Non-Native Species Control Plan as approved in writing shall be strictly adhered to during the lifetime of the development.
Reason: In the interests of protecting environmental quality and of biodiversity.
4. Prior to the commencement of any phases of development which relate to new mineral extraction, a

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detailed Operational Environmental Management Plan (OEMP) shall be submitted to and approved in writing by the Planning Authority, to include mitigation measures to minimise the impact of noise, vibration, dust and lighting from the development site. The finalised OEMP can be based upon the draft OEMP (Appendix G of the Environmental Appraisal) submitted with the application. The OEMP is a live document which shall be updated to reflect changing site conditions as works progress on site. The OEMP, as approved, shall be strictly adhered to for the duration of operations on site until the site is fully restored to the satisfaction of the Council as Planning Authority.

Reason: In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

5. Within six months of this planning application being approved, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type C Road construction detail. The Type C Road construction detail shall continue for a minimum of 15 metres back from the edge of the road carriageway. The dropped kerbs shown in Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail will not be required as there is no existing footway. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

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

6. Within six months of the date of this decision notice, the road carriageway on the B8062 shall be resurfaced across both running lanes over the length of the Type E access formation, using the construction detail below:
- 40-50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

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

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7. Within six months of the date of this decision notice, the over-run areas to the south verge and north verge on the B8062, as outlined in Figures 5.2 and 5.3 respectively of the Transport Statement dated 17 May 2019, shall be resurfaced, using the construction detail below:

- 50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone
- 100mm Basecourse - Dense Bitumen Macadam with 20mm stone
- 300mm Sub-base type 1

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority. For the avoidance of any doubt, the existing kerb line shall remain in place.

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

8. Within six months of the date of this decision notice, road signs showing that the public road narrows on both approaches to the Ruthven Water Bridge must be installed. Diagram 516 with a supplementary plate (S2-2) "Oncoming vehicles in middle of road" must will be installed on both approaches. The location of the signs must be agreed with the Area Roads Engineer prior to installation and be erected in accordance with standards of the Roads Authority.

Reason: In the interests of road safety.

9. The conclusions and recommended action points within the supporting biodiversity survey (19/01927/28) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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. 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 150mm outside diameter being blanked off at the end of each working day.

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

11. Noise from any plant and machinery associated with the development shall be controlled such that it does not exceed 55dBLAeq, 1 hour (free field) at 3.5m from the façade of noise sensitive properties (except during temporary operations as referred to in condition 12.

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

12. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council, Environmental Health and all neighbouring noise sensitive dwellings should be advised in advance of the activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

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

13. The hours of operation shall be limited to Monday to Friday 08:00 to 18:00 hours and 08:00 to 13:00 Saturdays. No workings permitted on Sundays.

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

14. All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall always be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.

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

15. The existing dry wheel bath on site shall be retained for the duration of site works and until all aftercare measures have been completed and shall be utilised at all times. The dry wheel bath shall be supplemented by a road brush as required.

Reason: To ensure the public road is kept clear of debris from the site.

16. 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.

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

17. No blasting shall take place on the site at any time.

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

18. The extraction of sand, gravel and sandstone and subsequent restoration and aftercare shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, restoration, landscaping and proposed aftercare as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted unless agreed in writing with the Council as Planning Authority.

Reason: In order to ensure the development proceeds in accordance with the approved plans and documents and to serve the rights of the Council as Planning Authority.

19. If any aspects of the operation results in justified complaints the applicant shall, if required by the Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Planning Authority.

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

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

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

21. Should any external materials be required for site restoration a detailed Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority (Structures) prior to commencement of that phase of restoration. The TMP shall detail the number of HGV movements required for bringing additional materials into the site to complete the restoration phase. The Traffic Management Plan (TMP) 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

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- 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) 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 TMP as approved shall be strictly adhered to during the entire site construction programme.

Reason: To ensure adequate controls are put in place should there be a significant uplift in HGV movements to the site as a result of the restoration process.

22. Prior to the commencement of Phase 7 of the development full details of the proposed footpath recreational access plan and any associated buildings shall be submitted to and approved in writing by the Planning Authority. The footpath recreational access plan shall be implemented in full as part of the Phase 7 works to the satisfaction of the Council as Planning Authority.

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Reason: To ensure appropriate final restoration of the site in accordance with the agreed phasing.

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

No permission should be issued until a bond has been agreed through a Section 75 Legal Agreement which has been signed by the Council and applicant associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 available to the public
 - Printed on durable material.
5. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the

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approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. 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 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 Environment Protection Agency.
8. The applicant should be aware of the advice contained within SEPA's consultation response dated 28 January relating to pollution prevention control and the potential requirement for CAR Authorisation and should make contact with SEPA's regulatory team to discuss these matters.
9. The application should be aware of the guidance contained within Scottish Water's consultation response dated 16 December 2019 relating to Drinking Water Protected Areas.
10. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
11. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.
12. Only inert spoil shall be used as the backfill material. In the event that biodegradable waste is imported to the site, Network Rail will hold the operator responsible for

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- the escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.
13. Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, and nature of any waste materials or extraction methods.
 14. The applicant should be aware of the guidance contained within Scottish Water's consultation response dated 16 December 2019 with particular regard to Drinking Water Protected Areas and Surface Water Drainage.
 15. The applicant is reminded that there is a duty of compliance with other requirements such as The Water Environment (Controlled Activities) (Scotland) Regulations 2011, The Waste Management Licensing (Scotland) Regulations 2011 and The Pollution Prevention and Control (Scotland) Regulations 2012. The SEPA consultation response letter of 28 January 2020 gives further specific guidance on the responsibilities of the site owner / operator and the applicant is expected to establish an on-going site environmental management plan in liaison with SEPA to meet their regulatory requirements.
 16. The applicant should be aware of the potential requirement for licensing in relation to protected species and should make contact with licensing department at Scottish Natural Heritage to discuss these requirements.
 17. There is a Section 75 legal obligation associated with this planning permission, which relates to a financial bond for restoration. A copy is available to view on the Council's Public Access portal.

(iii) 19/02106/MWM - BANKFOOT - Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period (S42 to modify condition 9 (hours of operation) of permission 18/00395/MWM), land south of Loak Farm, Bankfoot – Report 20/89 – Breedon Northern Limited

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The approved development shall continue to be carried out in accordance with the approved plans and documents associated with 18/00395/MWM, unless otherwise provided for by conditions imposed by this decision notice.

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

2. All sand and gravel extraction within the site shall be completed within 3 years of the commencement of development i.e. 25 March 2022.

Reason: In accordance with the terms of the application and in order for the Council as Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

3. The total volume of sand and gravel extracted from the mine shall not exceed 400,000 tonnes. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.

Reason: To ensure that all associated mine operations do not exceed maximum volumes of extraction assessed and ensuring a satisfactory standard of local environmental quality is maintained.

4. The extraction of sand and gravel shall continue to only be in accordance with the details of area and depth of working, as shown on the approved plans. No deviations shall be permitted.

Reason: In the interests of visual and residential amenity.

5. The approved Construction Environment Management Plan (CEMP) dated January 2019, incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of construction and operation programmes shall continue to be fully undertaken in accordance with the agreed CEMP.

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

6. Restoration shall be fully implemented within twelve months of the completion of extraction and shall be in accordance with the restoration scheme approved under Condition 7 below and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

7. The approved restoration scheme (plan reference 18/00395/4) shall be implemented in full following the completion of mineral extraction.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

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8. Prior to the commencement of restoration of the site a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved by the Planning Authority. Thereafter, the approved scheme shall be implemented in full.
Reason: To ensure that final contours, an updated restoration plan and an updated aftercare plan for the site are adopted prior to the site ceasing operation thereby ensuring the site is capable of beneficial after use and to minimise adverse impacts on the landscape, nature conservation and amenity of the surrounding area (due to the intervening time period).
9. Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0600-1900 Mondays to Fridays and 0600-1300 hours on Saturdays. No operations are permitted on Sundays.
Reason: In the interests of residential amenity.
10. All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.
Reason: In the interests of residential amenity.
11. Only the plant machinery and equipment specified in the noise assessment submitted in support of this permission (or similar plant which generates no greater sound power levels) shall be used, to the satisfaction of the Council as Planning Authority.
Reason: In the interests of residential amenity.
12. If any aspects of the operation results in justified complaints the applicant shall, if required by the Council as Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Council as Planning Authority.
Reason: In the interests of residential amenity.
13. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the hours of 06:00 – 19.00 Monday to Friday and 06:00 -13.00 on Saturdays.

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Loak Farm	LAeq, 1 Hour 42 dB (free field)
Jackstone Steadings and Farm	LAeq, 1 Hour 42 dB (free field)
Watermill Cottage	LAeq, 1 Hour 42 dB (free field)
House of Nairne	LAeq, 1 Hour 42 dB (free field)
Kilburn	LAeq, 1 Hour 42 dB (free field)
Barn House, East Mains	LAeq, 1 Hour 47 dB (free field)
Holm Cottage, East Mains	LAeq, 1 Hour 47 dB (free field)
Anvil Cottage, East Mains	LAeq, 1 Hour 47 dB (free field)
Westwood Farm	LAeq, 1 Hour 47 dB (free field)

Where there is more than one property at the above sites, noise limits apply to all properties at that location.

Reason: In the interests of residential amenity.

14. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council (Environmental Health) and all neighbouring noise sensitive dwellings shall be advised in advance of the aforementioned activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

16. Wheel cleaning facilities shall be provided at the exits from the site for the entire duration of operations and restoration. All vehicles leaving the site will be required to use these facilities.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

17. 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.

Reason: In the interests of residential amenity.

18. No blasting shall take place on the site.

Reason: In the interests of residential amenity.

19. The approved Traffic Management Plan (TMP) shall continue to form part of the works documentation for the

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A9 Luncarty to Pass of Birnam dualling scheme by Transport Scotland.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

20. No part of the access road from the borrow pit shall extend beyond the parallel road to the west of the existing A9 until this is demonstrated to be necessary to allow the movement of material from the borrow pit to the works for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

21. The approved drawings of the link road, agreed as part of the Traffic Management Plan, between the parallel road to the west of the A9 and the existing A9 carriageway shall continue to form part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme; To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

22. The approved drawings show the construction and alignment of the link road and the connection to the existing A9. The approved junction shall continue to prevent right turns to and from the link road to the existing A9.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

23. The agreed timing of any works necessary to allow the movement of material from the borrow pit to the dualling works for the Luncarty to Pass of Birnam dualling scheme, shall continue as approved.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

24. No works necessary to allow the movement of material from the borrow pit to the dualling works for the A9 Luncarty to Pass of Birnam dualling scheme, shall be

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undertaken without the approval of the appointed contractor.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

25. The use of the borrow pit shall cease on the completion by Transport Scotland of the A9 Luncarty to Pass of Birnam Dualling Scheme.

Reason: To restrict the use of the borrow pit to the duration of the contraction for the A9 Luncarty to Pass of Birnam dualling scheme.

26. The development shall not adversely impact public access particularly on core path AGVN/115 which must remain safely available for public access throughout construction and on completion. Any damage to the core path must be reinstated prior to completion.

Reason: To protect an existing core path.

27. The agreed programme of archaeological work in accordance with the written scheme of archaeological investigation shall continue to be fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To protect known and potential archaeology in area.

28. Protective fencing shall continue to be erected around MPK 2337 and along southern red line boundary at SM1562 and SM1524, and in a manner agreed with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To protect known archaeology and Scheduled Monuments in 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 3 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)).

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2. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. 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
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 operation of this site will need to be licenced under SEPA's Pollution Prevention and Control (PPC) Certification as activities involve road stone coating and crushing and the cement batching.
5. This permission continues to be tied by the Section 75 legal agreement for restoration of the site associated with 18/00395/MWM and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

(2) Proposal of Application Notice (PAN)

(i) 20/00002/PAN - PERTH - Erection of a replacement primary school and associated works – Report 20/90 – Perth And Kinross Council

Councillor Gray requested that consideration be given to local concern that the new school should not be named North Muirton Primary School. He suggested that there should be a new name as the school will combine both North Muirton and Balhousie Primary Schools and that it should not be referred to as North Muirton Primary in any future reports and instead referred to simply as “replacement school”.

Councillor Bailey requested that consideration be given to the provision of covered bike stands for children who wished to ride a bike or scooter to school.

Councillor Watters requested that development was undertaken to the highest possible standard in relation to construction methods, materials, heating and insulation.

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Councillor Wilson requested that consideration be given to green transport and road safety issues.

Councillor Anderson requested that consideration be given to ensuring proper drainage and any possible impact on neighbouring properties regarding flooding.

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

DRAFT