

# **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 29 July 2020 at 10.00am.

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

In Attendance: K Smith, J Scott, A Condliffe, L MacLean, A Rennie, G Fogg, D Williams, A Brown and A Taylor (all Corporate and Democratic Services); R MacKenzie and L Reid (both Housing and Environment); C Wright, A McMeekin and B Parker (all IT).

Apologies for Absence: Councillor M Barnacle.

Councillor R McCall, Convener, Presiding.

## **1. WELCOME AND APOLOGIES**

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

## **2. DECLARATIONS OF INTEREST**

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

## **3. MINUTES**

The minute of meeting of the Planning and Development Management Committee 1 July 2020 was submitted, approved as a correct record and authorised for signature.

## **4. DEPUTATIONS**

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

**Planning Application No.**  
20/00569/FLL

**Item No.**  
5(3)(i)

## **5. APPLICATIONS FOR DETERMINATION**

### **(1) Local Application Deferred from Meeting of 1 July 2020**

- (i) 20/00524/FLL - MARYBURGH - Erection of 4 dwellinghouses and associated works, land south of Hillcrest, Maryburgh – Report 20/121 – KJJ Properties Limited**

Motion (Councillors C Purves and W Robertson)

Refuse, on the grounds that the application is contrary to Policies 1A and 1B, with particular reference to criterion (c), of the Perth and Kinross Local Development Plan 2 (2019), as it is considered that the development is of an urban form which would not contribute to the built and natural environment of the surrounding area and would constitute an overdevelopment of the site.

**Amendment (Councillors T Gray and R McCall)**

**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. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;**
  - I. the nature, extent and type(s) of contamination on the site**
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed**
  - III. measures to deal with contamination during construction works**
  - IV. condition of the site on completion of decontamination measures.**

**Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has**

been fully implemented must also be submitted to the Council as Planning Authority.

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

3. Prior to the commencement of development, a CCTV survey of the existing culvert downstream of the site (under the road) shall be carried out, and a report on its condition and any remedial works required shall be submitted to the Council as Planning Authority for approval. Thereafter, any remedial works agreed shall be undertaken prior to the construction of the dwellinghouses, to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of effective drainage for the site.

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

5. Prior to the commencement of development, full details of the retaining walls shall be submitted to the Council as Planning Authority for approval. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

7. The recommendations in the Coal Mining Surveys hereby approved (20/00524/9), shall be fully adhered to during the construction period and shall be in full

consultation with The Coal Authority, all to the satisfaction of the Council as Planning Authority.  
Reason: To take account of the coal mining risk associated with the development site.

8. Prior to the development hereby approved being completed or brought into use, each vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.  
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
9. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.  
Reason: In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.
10. For the avoidance of doubt, the area of land located out-with the settlement boundary of Maryburgh shall not be developed as part of this planning permission.  
Reason: In order to clarify the terms of the permission.

#### **Justification**

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

#### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.

<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>

7. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts

and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

8. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
9. 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.
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. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn).
12. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
13. This planning permission is granted subject to conditions, some of which require further information to

**be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.**

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

4 members voted for the Motion as follows:

Councillors H Anderson, C Purves, W Robertson and W Wilson

9 members voted for the Amendment as follows:

Councillors B Brawn, E Drysdale, T Gray, D Illingworth, I James, R McCall, C Reid, R Watters and M Williamson

**Resolved:**

In accordance with the Amendment.

## **(2) Major Applications**

- (i) 20/00169/AMM - Section 42 application to modify Condition 15 (Contaminated Land) of permission 16/00999/AMM, Morris Leslie, Errol Airfield, Grange, Errol – Report 20/122 – Morris Leslie Limited**

**Resolved:**

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

### **Conditions**

1. The development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.  
Reason: To ensure that the development is carried out in accordance with the plans approved.
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.  
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.  
Reason: In the interest of pedestrian and cycle safety.
4. The detailed landscaping and planting scheme, including the sports pitch as approved (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), 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.  
Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the Development Plan.
5. The approved children's play area(s) (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.  
For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.  
Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.
6. The approved delivery and phasing plan (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.  
For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.  
Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
7. Notwithstanding the submitted plans, development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme



shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

8. The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

Reason: To reduce the risk of flooding.

9. All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

10. The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 (Drawing Reference: 20/00169/59) shall be put in place prior to the occupation of any dwellinghouse.

Reason: To ensure a satisfactory standard of local environmental quality.

11. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To ensure a satisfactory standard of local environmental quality.

12. Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

13. The approved Construction Traffic Management Scheme (CTMS) (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.

Reason: In the interest of road safety.

14. The agreed level and location of recycling facilities (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.

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

15. Prior to the commencement of works on site in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.

- I. The nature, extent and type(s) of contamination on the site;
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed;
- III. Measures to deal with contamination during construction works;
- IV. Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must be submitted to the Council as Planning Authority.

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

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

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

17. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations

and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

18. If the development hereby approved having commenced in 2019, is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to

- i) establish if there have been any changes in the presence and/or abundance of protected species and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

19. Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

20. Prior to the occupation and use of the approved development the applicant shall, at his own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason: In the interest of road safety.

21. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and

approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Reason: In the interest of promoting sustainable travel.

22. The approved external lighting plan (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution. Reason: To minimise any light pollution.
23. The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April – August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and Natural Scotland (formerly SNH) prior to the commencement of the development on site. Reason: In the interests of protecting environmental quality and of biodiversity.
24. The approved details relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site. Reason: In the interests of protecting environmental quality and of biodiversity.
25. The approved details of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale. Reason: In the interests of protecting environmental quality and of biodiversity.
26. No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority. Reason: In the Interest of vehicle and pedestrian safety.
27. Prior to the completion of any residential plot, details of the bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling. Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

28. Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.  
Reason: In the Interest of vehicle and pedestrian safety.

### **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. 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.
2. This development requires 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 visible to the public
  - Printed on durable material.
3. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
6. 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.

7. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
8. The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
9. Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
10. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
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 reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/00999/AMM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply

### **(3) Local Application**

#### **(i) 20/00569/FLL - PERTH - Alterations and formation of vehicular access and parking area, 171 Glasgow Road, Perth – Report 20/123 – Mr and Mrs Ogilvie**

Mr A Campbell, objector, followed by Mr S Ogilvie, applicant, addressed the Committee via audio conferencing and answered members questions.

#### **Motion (Councillors R McCall and I James)**

**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, the gradient of the access shall be constructed so as not to exceed 3% for the first 2.4 metres into the curtilage of the property measured back from the rear of the footway and the access shall be constructed so that no surface water or aggregate is discharged to the public road or footway network.  
Reason: In the interests of road safety; to ensure the provision of an adequate gradient of the access.**
- 3. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.  
Reason: In the interests of pedestrian and traffic safety.**
- 4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.  
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.**

### **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 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.**
5. **The applicant is advised to contact the Street Lighting Partnership to obtain the location of plant. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.**

Amendment (Councillors W Wilson and W Robertson)

Refuse, on the grounds that the application is contrary to Policies 1A, 1B, 17(c) and 60B(a) of the Perth and Kinross Local Development Plan 2 (2019), as the proposal was considered to not contribute positively to the built and natural environment of the surrounding area.

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

8 members voted for the Motion as follows:

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

5 members voted for the Amendment as follows:

Councillors C Purves, C Reid, W Robertson, R Watters and W Wilson

**Resolved:**

In accordance with the Motion.