

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
19 OCTOBER 2016

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewar's Centre, Perth on Wednesday 19 October 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band, (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, J Flynn (substituting for C Gillies), A Gaunt, J Giacomazzi, J Kellas and G Walker.

In Attendance: A Condliffe, T Maric, B Stanford and J Williamson (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillor C Gillies and A Livingstone.

Councillor T Gray, Convener, Presiding.

### **721. WELCOME AND APOLOGIES**

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

### **722. DECLARATIONS OF INTEREST**

Councillor T Gray declared a non-financial interest in Art. 725(i)(v) in terms of the Councillors' Code of Conduct.

### **723. MINUTES**

#### **(i) Minute of previous meeting**

The minute of meeting of the Development Management Committee of 14 September 2016 (Arts. 625-629) was submitted, approved as a correct record and authorised for signature.

#### **(ii) Erratum**

The erratum to Article 451(1)(iii) of the minute of meeting of the Development Management Committee of 8 June 2016 was submitted, approved and authorised for signature.

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**724. DEPUTATIONS**

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

<b>Planning Application No.</b>	<b>Art. No.</b>
16/00326/FLL	725(1)(i)
16/00751/FLL	725(1)(iv)
16/00842/FLL	725(1)(v)
16/01318/FLL	725(1)(viii)

**725. APPLICATIONS FOR DETERMINATION**

**(1) Local Applications**

- (i) 16/00326/FLL – KINNESSWOOD – Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at land north west of Bonaly Cottage, Main Street, Kinnesswood – Report 16/451 – Mr A Sinclair**

Mr F Torrens, objector to the application, followed by Mr R Mitchell, agent for the applicant, and Mr A Sinclair, applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

**Motion (Councillors T Gray and J Kellas) – Grant, subject to the following terms, conditions and informatives:**

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.**
- 2. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.**
- 3. Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.**
- 4. Prior to the development hereby approved being completed or brought into use a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.**
- 5. Prior to the commencement of any development full details of a bin presentation area close to Main Street**

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shall be submitted and approved in writing by the Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.

6. Prior to the commencement of any development a sample of the proposed natural stone, light buff render, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.
7. Prior to the commencement of any development full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to all plots and full details of a planting scheme along the entire south west boundary of the site together with the finishing material of the access track and boundary walls. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.
8. Prior to work commencing on the demolition of existing buildings a total of 4 bat boxes shall be provided in trees on site as indicated in the bat protection plan (section 6 of the Bat Survey). Photographic evidence of the installation shall be submitted to and approved in writing by the Planning Authority prior to the demolition commencing. The bat boxes shall remain in place in perpetuity.
9. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
10. All trenches associated with the development shall be dug with sloping sides. Open pipework/culverts shall be sealed at the end of each working day.
11. Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present to the satisfaction of the Council as Planning Authority.
12. Development shall not commence on site until an evaluation for the potential of the site to be affected

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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.
13. 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. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
14. The walls on the south western end of the Lomond Inn building shall be taken down to a height of 900mm and be retained as part of the walling for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority.
15. All slates removed from the demolished buildings shall be retained and re-used, where possible, in the new development to the satisfaction of the Council as Planning Authority.
16. The use of replacement UPVC rainwater goods on the former Lomond Inn (plot 1) is not approved. The rainwater goods on plot 1 shall be new cast iron to match the existing or the existing cast iron rain water goods should be retained and repaired where necessary all to the satisfaction of the Council as Planning Authority.

**Justification**

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

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**Procedural Notes**

- 1. No consent shall be issued until a the payment of a commuted sum towards affordable housing provision of £18,750 has been secured through either through an up front payment or a Section 75 Legal Agreement has been agreed between the application and the Council.**
- 2. The formal planning consent shall not be issued until such time as the required commuted sum for Affordable Housing has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application will be refused under delegated powers.**

**Informatives**

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).**
- 2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.**
- 3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.**
- 4. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.**
- 6. No work shall commence on site until consent has been granted for the associated Conservation Area**

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**Consent application for the demolition of buildings  
(Ref: 16/00325/CON).**

7. **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.**

Amendment (Councillors D Cuthbert and M Barnacle) – Refuse, on the grounds that the proposal is contrary to:

1. The Perth and Kinross Local Development Plan 2014, HE3A, in that the Conservation Area Appraisal for Kinnesswood a) states the importance of maintaining the views from the Main Street to Loch Level and b) advises against development on the land to the west of the village. Therefore, there is a breach of Policy HE3A as the Appraisal is not being used to guide the form and design of the proposal.
2. The Perth and Kinross Local Development Plan 2014, Policy PM1A, in that by virtue of the size of the buildings, the proposal does not respect the character and amenity of the place.
3. The Perth and Kinross Local Development Plan 2014, Policy PM4, in that the proposal constitutes development outwith the defined settlement boundary.

Councillor Giacomazzi moved a second Amendment that planning permission be refused on the grounds that the proposal is contrary to:

1. The Perth and Kinross Local Development Plan 2014, Policy PM1A, in that by virtue of the size of the buildings, the proposal does not respect the character and amenity of the place.
2. The Perth and Kinross Local Development Plan 2014, Policy PM4, in that the proposal constitutes development outwith the defined settlement boundary.

Having failed to find a Seconder, Councillor Giacomazzi's Amendment fell.

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

7 members voted for the Motion as follows:

Councillors T Gray, B Band, H Anderson, A Gaunt, J Flynn, J Kellas, and G Walker.

4 members voted for the Amendment as follows:

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Councillors M Barnacle, I Campbell, D Cuthbert, and J Giacopazzi.

Motion – 7 votes

Amendment – 4 votes

**Resolved:**

In accordance with the Motion.

- (ii) **16/00325/CON – KINNESSWOOD – Part demolition of hotel and demolition of annexe building and outbuildings at former Lomond Hotel, Main Street, Kinnesswood – Report 16/452 – Mr A Sinclair**

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. Prior to the demolition of the buildings a detailed photographic survey shall be undertaken and the findings submitted in writing to the Planning Authority.
3. No demolition shall commence on site until written evidence has been submitted and approved in writing by the Council as Planning Authority that a contract is in place for the construction of the replacement development which has the benefit of full planning consent as detailed in application 16/00326/FLL.
4. The walls on the south western end of the Lomond Inn building shall be taken down to a height of 900mm only and be retained as part of the walling for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority. Prior to the demolition commencing full details of the capping of this wall shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.
5. All slates removed from the demolished buildings shall be retained and re-used in the new development to the satisfaction of the Council as Planning Authority.

**Justification**

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

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**Informatives**

This Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

**(iii) 16/00710/FLL – EDRADOUR – Erection of 4 dwellinghouses on land north west of Willowside, Edradour – Report 16/453 – Mrs B Newton**

**Resolved:**

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

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 planning permission.
2. 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.
3. The mature hedge on the south boundary of the site and the full extent of the wall around the walled garden shall be retained in perpetuity to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any development on site, details of an additional passing place to be installed on the existing access to the site shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented prior to the commencement of residential development hereby approved to ensure the passing place can be utilised during construction operations and upon completion of the development.
5. The conclusions and recommended action points within the supporting biodiversity survey (doc ref:16/00710/11) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development to the satisfaction of the Council as Planning Authority.



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6. Prior to the commencement of any development on site full details of an upgraded bin storage/collection area adjacent to the bell mouth of the access at the public road shall be submitted to and approved in writing by the Planning Authority. The details shall meet the requirements of Perth and Kinross Council Waste Services as outlined in their consultation response dated 4th May 2016 and shall also ensure minimal visual impact. The details, as approved in writing, shall be implemented as part of the site development and fully installed prior to any of the houses being occupied.
7. The asserted right of way/core path shown on approved drawing 16/00710/13 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information

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regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

6. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

**(iv) 16/00751/FLL – KINROSS – Erection of 13 dwellinghouses and associated works at former site of Levenglen Nursing Home, Glenlomond, Kinross – Report 16/454 – Glenmore Developments Ltd**

Ms K Clark, agent for the applicant, addressed the Committee and following her representation, withdrew to the public benches.

Motion (Councillors I Campbell and A Gaunt) - Refuse, on the grounds that the proposal, by virtue of its design, is contrary to Policies PM1A, PM1B and RD1 of the Perth and Kinross Local Development Plan 2014.

**Amendment (Councillors J Kellas and T Gray) – Grant, subject to the following terms, conditions and informatives:**

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the commencement of the development hereby approved, samples of all external finishing materials shall be submitted to and agreed in writing by the Council as Planning Authority. The finishing materials as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. 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

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**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.**
- 4. 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. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.**
  - 5. Prior to the commencement of works on site, the applicant shall agree in writing a scheme of localised road widening on the U243, to the satisfaction of the Council as Roads Authority. The approved works shall then be undertaken prior to the commencement of any development on the application site.**
  - 6. All foul waste water from the proposed development shall be discharged to the existing private waste water treatment plant that serves Glenlomond village.**
  - 7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.**
  - 8. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.**
  - 9. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved**

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**shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.**

- 10. 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.**

**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**

- 1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.**
- 2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.**

**Informatives**

- 1. 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.**

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- 2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.**
- 3. This 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)).**
- 4. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 5. 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.**
- 6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.**
- 7. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.**
- 8. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built.**

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

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

5 members voted for the Motion as follows:

Councillors M Barnacle, I Campbell, D Cuthbert, A Gaunt and J Flynn.

6 members voted for the Amendment as follows:

Councillors T Gray, B Band, H Anderson, J Giacomazzi, J Kellas and G Walker.

Amendment – 6 votes

Motion – 5 votes

**Resolved:**

In accordance with the Amendment.

COUNCILLOR T GRAY, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM

Councillor B Band, Vice-Convenor, Presiding

**(v) 16/00842/FLL – CAMSERNEY – Erection of a dwellinghouse  
at land 40 metres south east of the South Steading,  
Camserney – Report 16/455 – J&A Henderson**

Mr J Fleming, objector to the application, and Mr J Russell, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. The proposed stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

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3. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed prior to the occupation of the dwelling, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.
4. Prior to the occupation of the dwelling, the existing post and fence along the western boundary of the site shall be replaced with a 1.8m slatted timber fence. Precise details of the fence shall be submitted prior to any works commencing for the approval in writing and thereafter, the approved details shall be implemented in full.
5. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with SNH and SEPA. The CMS shall identify measures to prevent harmful materials entering the River Tay SAC which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS shall include the following:
  - a. pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
  - b. storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
  - c. construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
  - d. timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.
6. Prior to the commencement of any works on site, precise details of the proposed foul drainage which ensures that the water quality of the River Tay is not adversely affected shall be submitted for the approval in writing by the Council as Planning Authority and the approved scheme shall thereafter be implemented in full.

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7. Prior to the commencement of any works on site, precise details of the proposed means of surface water disposal shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

**Justification**

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

**Procedural Notes**

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not:

- a) Make the required payment upfront within 14 days of the date of the committee decision, or
- b) Complete a legal agreement for its delayed payment within a 4 month period, then the application may be refused under delegated powers.

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (*See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).*)
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant will be required.
5. The Council must be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

COUNCILLOR T GRAY RETURNED TO THE MEETING AT THIS POINT AND RESUMED HIS ROLE AS CONVENER



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- (vi) **16/00906/FLL – CRIEFF – Part change of use from retail (class 1) to retail (class 1) and café/restaurant (class 3) and alterations at 1-3 High Street, Crieff, PH7 3HU – Report 16/456 – Mr J Landale**

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. Prior to the commencement of any works on site, precise details of the proposed means of waste and recycling provision shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full prior to the use commencing.
3. The hours of operation of all external areas shall be restricted to 0800 hours to 2000 hours daily and any furniture associated with the external pavement café, including all tables, chairs and screens shall not be laid out before 0800 hours and shall be removed each day by 2000 hours to the satisfaction of the Council as Planning authority.
4. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
5. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.
6. 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 20 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.
7. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. The system shall be satisfactorily maintained thereafter.
8. Prior to its installation, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include

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details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme unless otherwise agreed in writing with the Council as Planning Authority.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (*See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. For the avoidance of doubt, no signage is approved under this permission. The proposed signage would be controlled separately under the Advertisement Regulations.
6. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

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- (vii) **16/01187/FLL – PERTH – Erection of a restaurant with associated staff accommodation, parking, servicing and landscaping on land north west of Earn House, Lamberkine Drive, Perth – Report 16/457 – Greene King**

**Resolved:**

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

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 planning permission.
2. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
3. 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 unless otherwise agreed in writing by the Council as Planning Authority.
4. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP 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.
5. Prior to the completion or bringing into use of any part of the development the agreed gas protection measures shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented shall be submitted to and approved in writing by the Planning Authority.
6. The dust control measures as outlined in Appendix 2 - Dust Control Measures During Construction of the Airshed report dated 24 September 2014 submitted with application 14/01356/FLL shall be strictly adhered to during construction operations, to the satisfaction of the Council as Planning Authority.
7. Prior to the development hereby approved being completed or brought into use, an effective ventilation

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system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

8. 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.
9. The delivery of goods to the premises shall take place between 07.00hrs to 19.00hrs Mondays to Saturdays and 09.00hrs to 17.00hrs on a Sunday
10. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
11. There shall be no drainage connections to the trunk road drainage system.
12. There shall be no advertisements within or adjacent to the trunk road boundary.
13. Prior to the commencement of any development details of an unclimbable barrier along the boundary of the site adjacent to the trunk road shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. The barrier shall be installed prior to the development being brought into use and maintained in perpetuity.
14. The staff accommodation at first floor level within the restaurant building, hereby approved, shall be occupied solely by individuals employed at the restaurant building to the satisfaction of the Council as Planning Authority.
15. Prior to the commencement of any development, details of the location and design of a covered cycle parking facility for 12 cycles shall be submitted for the written approval of the Planning Authority. The cycle parking facility, as approved, shall be implemented and completed as part of the site development programme to the satisfaction of the Council as Planning Authority.

**Justification**

The proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan it will, nevertheless, generate employment opportunities

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both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. There is also an extant consent for a similar proposal on this site which is considered to be a significant material consideration.

**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 any proposed signage will require a further application to be submitted for advertisement consent.

**(viii) 16/01318/FLL – TIBBERMORE – Erection of 12 dwellinghouses, garages and associated works on land at Marlefield Grove, Tibbermore – Report 16/458 – Ribbon Homes Ltd**

Mr N MacFarlane, agent for the applicant, addressed the Committee and, following his representation, withdrew to the public benches.

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved drawings and documents,

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unless otherwise provided for by conditions imposed on the planning permission.

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the further approval of the Council as Planning Authority. The scheme as approved shall be implemented prior to the completion or bringing into use of the development.
3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further approval of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
4. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
5. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development unless otherwise agreed in writing with this Planning Authority and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.
7. Prior to the occupation of the first house, 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.

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8. Prior to the occupation of the first house, a pedestrian link from the C410 to the development site shall be provided to the standards required by the Council as Roads Authority.
9. Prior to the occupation of the first house, a 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the C410 from the proposed pedestrian access point west to tie in with the existing footway.
10. Prior to the occupation of the first house a 'Pick up and drop off' area for school children / bus passengers shall be provided on the south side of the C410 opposite the pedestrian access point to the site. The area shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
11. Prior to the occupation of the first house, a street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed with the Council as Planning Authority.
12. Prior to the occupation of the house on plot 11 the rear bathroom window shall be finished in obscure glazing.
13. 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 local planning authority.
14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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**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**

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

**Informatives**

1. 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 a building warrant has been submitted and approved.
5. 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. It is recommended that the developer contact the Community Waste Team to discuss waste requirements for this site.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from



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the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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.
8. The developer is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets and is advised to note the contents of comments made on this planning application dated 30 September 2015. Scottish Water reference: 724991. If the developer requires any further assistance or information with regard to this planning application please contact Anne MacNeil on 0141 414 7660 or alternatively additional information is available on the Scottish Water website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)
9. 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.

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