

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 31 July 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, B Band, M Barnacle, D Doogan (substituting for H Anderson), E Drysdale, T Gray, I James, L Simpson, R Watters and W Wilson.

In Attendance:, K Smith, A Condliffe, J Scott, J Williamson, A Rennie, L Reid, D Salman, (all Housing and Environment); C Elliott and D Williams (both Corporate and Democratic Services).

Apologies for Absence: Councillors H Anderson, H Coates and A Jarvis.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 3 July 2019 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

| Planning Application No. | Art. No. |
|---------------------------------|-----------------|
| 18/02123/MWM | (1)(i) |
| 18/00859/FLL | (2)(i) |
| 18/01016/FLL | (2)(ii) |
| 19/00559/CON | (2)(iii) |
| 19/00558/FLL | (2)(iv) |

APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 18/01892/AMM - Auchterarder - Erection of 60 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 2), land at Castlemains Farm, Auchterarder – Report 19/207 – Muir Homes**

Mr J Scott, Team Leader, advised members that in paragraph 97 on page 41 the condition referred to should be Condition 14 and not 15.

Resolved:

Grant, subject to the following conditions and informatives, including the updates provided by planning:

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 commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

Reason: To mitigate any adverse impact of development traffic on the safe and surrounding road network during construction.

3. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of promoting and securing sustainable means of travel relating to the development and surrounding land uses.

4. Prior to the development hereby approved being completed or brought into use, street lighting provision to a design and specification according with (BS 5489-1:2013) shall be submitted to the Planning Authority for further written approval. The lighting scheme as approved shall thereafter be completed in line with the roads construction consent.

Reason: In order to safeguard the environment and residential amenity of the area.

5. No removal of vegetation, including trees and shrubs will be permitted between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority for approval prior to commencement of works.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

protected species as identified under the Wildlife and Countryside Act (1981).

6. The conclusions and recommended action points within the supporting Biodiversity Management Plan submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

7. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

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

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

9. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained. 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 satisfying placemaking policy criteria of the adopted LDP.

10. 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.

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

11. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

12. 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: In the interests of public health and to prevent noise pollution.

13. The commitments and recommended action points within the supporting Construction Environment Management Document (plan 18/01892/50) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. The approved document will remain live and subject to further review and update at the Planning Authority written request.

Reason: In the interest of protecting environmental quality and existing residential amenity.

14. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

Justification

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

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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 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.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
9. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

Guidance Document (June 2014)', or any subsequent update.

10. The applicant is advised that they shall continue to keep the Councils Structures and Flooding team updated with regards to their application to Scottish Water for the proposed sewer diversion and connection of identified plots (31-40) to this Scottish Water asset.
11. 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.
12. No work shall be commenced until an application for building warrant has been submitted and approved.
13. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
14. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
15. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
16. The applicant is reminded 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.
17. 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 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

18. In the interests of neighbouring residential amenity, the applicant is requested to restrict construction work to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

(ii) 18/02123/MWM - Almondbank - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify conditions 2 (expiry), 3 (phasing), 17 (extraction rate) and 28 (noise) of planning permission 98/00710/FUL (winning and working of minerals), Loanleven Quarry, Almondbank – Report 19/208 – Cemex UK Operations Ltd

A Condliffe, Team Leader, advised that updated conditions were circulated to members prior to the meeting.

Mr Murphy, on behalf of the applicant, answered members questions.

Grant, subject to the following amended 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 decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents
2. All sand and gravel extraction shall be completed by 24 August 2034.
Reason: In accordance with the terms of the application and in order for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.
3. The development, including the extraction of sand and gravel, the construction and seeding of bunds, and the subsequent restoration to agriculture shall be implemented in accordance with the scheme of phasing shown on drawings Figures 2-1 to 2-9 of the EIA Report by CEMEX Ltd. dated November 2018.
Reason: In the interests of visual and residential amenity.
4. No more than one phase or sub-phase shall be worked at any one time.
Reason: In the interests of visual and residential amenity.
5. The areas already worked shall be restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction has ceased.
Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

6. Land awaiting extraction shall remain in agricultural use at least six months before it is required for extraction.
Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.
7. The conveyor shall be maintained in accordance with drawing titled Proposed Layout of Conveyor (Appendix 2-2 of EIA Report) and shall thereafter be decommissioned during the final restoration phase of the development.
Reason: In the interests of residential amenity.
8. The conveyor shall be used for all excavated material leaving the site for processing or any other purpose and none shall leave by road.
Reason: In the interests of residential amenity.
9. The hours of operation shall be restricted to between 0700 hours and 1800 hours Monday to Friday; 0800 hours and 1300 hours on Saturdays, with no working permitted on Sundays.
Reason: In the interests of residential amenity.
10. Top-soil and sub-soil stripping and subsequent re-spreading shall be undertaken in accordance with a specification to be agreed with the Scottish Government and to the satisfaction of the Planning Authority.
Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.
11. The site shall be adequately drained at all times so as to prevent flooding or water seepage to adjacent agricultural land. No effluent shall be discharged to any adjacent watercourse.
Reason: In order to protect watercourses and water quality.
12. The surface water level of Methven Loch shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.
Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.
13. Other than material awaiting transfer by conveyor, no stockpiling of sand and gravel shall take place within the extraction site. In the event of a breakdown of the conveyor, no more than two days of stockpiling shall take place. On resumption of the conveyor, the stockpile shall be removed.
Reason: In the interests of visual amenity and landscape quality.
14. Mitigation measures submitted as part of the EIA Report by CEMEX Ltd. dated November 2018 shall be fully implemented. throughout the duration of the permitted works to the satisfaction of the Council as Planning Authority.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

Reason: To ensure environmental impacts are satisfactorily mitigated.

15. Within two months of this consent, updated details of all temporary buildings erected on site shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of residential and visual amenity.

16. There shall be no artificial lighting in the extraction areas with the exception of vehicle headlights and internal lighting within temporary buildings.

Reason: In the interests of residential amenity.

17. A record of the quantity of materials leaving the plant site shall be submitted annually to the Planning Authority. For the avoidance of doubt the rate of extraction shall not exceed 200,000 tonnes per annum.

Reason: In order for the Planning Authority to maintain control and in the interests of visual and residential amenity.

18. With two months of the date of this permission an updated plan of the proposed restoration profiles compared to the maximum groundwater level shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. For the avoidance of doubt all excavations shall be above the maximum groundwater level.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

19. The groundwater levels shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

20. On completion of excavation work, all processing plant and buildings shall be removed and the land restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction on the site has ceased.

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

21. The approved restoration and aftercare scheme, contained within Appendix 2-3 of the EIA Report by CEMEX Ltd. dated November 2018, shall be implemented to the satisfaction of the Planning Authority no later than twelve months after extraction on the site has ceased on 24 August 2034.

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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

22. The approved excavation area shall be adequately secured at all times to prevent access by the public.
Reason: In the interests of public safety.
23. Within six months of the date of this permission, a Water Monitoring and Management Plan shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. The agreed actions shall be implemented throughout the duration of the permitted works.
Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.
24. Within two months of this permission, a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment & machinery, number of vehicle movements, times of any deliveries to and from the site etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.
Reason: In the interests of residential amenity.
25. In the event of a justified noise complaint being received by the Council the operator shall, at the request of the planning authority, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 28. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with the noise conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
Reason: In the interests of residential amenity.
26. Within two months of this permission, a Dust Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include measures to minimise dust from quarry operations and detail how dust from the process will be adequately controlled to keep fugitive emissions to a minimum. The plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

planning authority. Once the Dust Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

27. In the event of a justified dust complaint being received by the Council the operator shall at the request of the Planning Authority arrange for dust assessment and monitoring to be carried out by a competent person. The methodology for the assessment shall be agreed in writing with the planning authority prior to it being undertaken. The assessment shall detail any necessary steps and measures that will be put in place to reduce dust to an acceptable level. It shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

28. Except for temporary operations, the free-field equivalent continuous noise level LAeq,T at any noise sensitive premises due to operations in the site shall not exceed the LAeq, 1 hour criterion levels tabulated as follows (measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects):-

| <u>Location</u> | <u>Criterion LAeq</u> |
|----------------------------|-----------------------|
| Lochend Cottage | 48 |
| 37 Admiralty Wood | 50 |
| 2 Lochty Park | 55 |
| Wildwood (rear garden) | 51 |
| Loanleven Farm | 48 |
| Easter Powside | 48 |
| Dwellings at Quarry Access | 54 |

Reason: In the interests of residential amenity.

29. For temporary operations including site preparation, soil and overburden stripping, bund formation and removal, and restoration, the noise level at the nearest point to the noise sensitive properties shall not exceed 70LAeq expressed in the same manner as Condition 28. Temporary operations shall not exceed a total of six weeks per annum for work within 200 metres of the noise sensitive properties mentioned at Condition 28.

Reason: In the interests of residential amenity.

30. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity.

31. The detailed landscaping and replanting scheme which is hereby approved shall be implemented as part of the site restoration programme and thereafter maintained.

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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

32. Concurrent with development on site, all trees on site 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 local environmental quality.
33. Within two months of this permission detailed specification of the 2 metre high bund/barrier to the western boundary of the site shall be submitted for the written approval of the Planning Authority. This shall demonstrate that resultant noise levels at Loanleven Farmhouse and Loanleven Farm Cottage will comply with Condition 28. Once approved, the bund/barrier will be installed prior to the development commencing on Phase 2.
Reason: In the interests of residential amenity.
34. Prior to the commencement of the development of Phase 4A, protective fencing shall be erected a minimum of 20 metres around LoanLeven Enclosure Scheduled Monument (SM8755) in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside the fencing.
Reason: To protect known archaeology and Scheduled Monuments in area.
35. The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Council as Planning Authority and shall allow them to observe work in progress and record items of interest and finds. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.
Reason: To protect known archaeology in the area.
36. Within two months of this permission, the width of the access shall be at least 7.3 metres wide for a distance of 25 metres measured back from the nearside of the Trunk Road.
Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

Justification

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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

Procedural Notes

Consent shall not be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond has been completed and signed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

Informatives

1. 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. 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.
4. 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.
5. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

under the Habitats Regulations and penalties are severe for non-compliance.

6. 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.
7. Boreholes that have no further use should be appropriately decommissioned please refer to SEPAs [guidance](#) on this.
8. According to records, the development proposals impact on existing Scottish Water. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.
9. A Section 75 legal agreement will be required to deal with the financial bond for decommissioning, restoration and aftercare following cessation of extraction.

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted and EIA Report dated November 2018. The public had opportunity to participate in the decision making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection in Part 1 of our register at our offices.
3. The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:
 - Methven Woods Site of Special Scientific Interest (SSSI);
 - River Tay Special Area of Conservation (SAC)
 - Archaeology including Scheduled Monument of Loanleven Enclosure;
 - A Listed Methven Castle Garden and Designed Landscape;
 - Air Quality including Dust
 - Noise

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

4. The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;
 - Protection of Methven Woods SSSI
 - Protection of River Tay SAC
 - Protection of Loanleven Enclosure Scheduled Monument
 - Protection of A Listed Methven Castle and its GDL
 - Air Quality Mitigation
 - Dust Management Plan
 - Noise Management Plan
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 10, 12, 14, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35, as set out herein, the proposal is acceptable and can be approved.

(2) Local Applications

- (i) **18/00859/FLL - Guildtown - Alterations to vehicular access (revised design), land north of Hall Road, Guildtown – Report 19/209 – A and J Stephen Ltd**

Councillor C Stewart, Local Member, followed by Mr Stephen, on behalf of the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Motion (Councillors R McCall and D Doogan)

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**

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

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 road being brought into use, details of a traffic flow priority system shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall after be implemented in full at all times.

Reason: In the interest of road and pedestrian safety.

3. Prior to any further development commencement occurring in relation to the wider development, details of the proposed construction traffic routes and the timing of the use of Hall Road for both construction purposes and residents shall be submitted for the further written agreement of the Council as Planning Authority. The details must not include the public use of Hall Road in advance of the connection with Northfield Road being available for use. The details approved shall be adhered to in full.

Reason: In the interest of road and pedestrian safety.

4. Core path BURR/138 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. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions of the core path (including signage) shall be submitted for the further written agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason: In order to ensure that public access is maintained at all times

5. Prior to the commencement of the development a construction management plan shall be submitted for the further written agreement of the Council as Planning Authority. The plan must include details to ensure that the potential for pollution to occur to the adjacent watercourse is minimised and controlled. The approved plan shall thereafter be implemented in full.

Reason: In order to ensure that the adjacent water course is not adversely affected by the development proposed.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

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. 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.**
- 5. Prior to the development commencing, the applicant must contact SEPA in relation to the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).**

Amendment (Councillors L Simpson and W Wilson)

Defer for further information on (i) flooding, with particular reference to SEPA's position, and (ii) further information on traffic calming measures and signage.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

Having left, and subsequently returned to, the meeting during the consideration of this item, Councillor E Drysdale was ineligible to take part in the vote.

In terms of Standing Order 58 a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors B Band, B Brawn, D Doogan, T Gray, R McCall and R Watters.

4 members voted for the Amendment as follows:

Councillors M Barnacle, I James, L Simpson and W Wilson.

Resolved:

In accordance with the Motion.

- (ii) **18/01016/FLL - Abernethy - Alterations and extension to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of an access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works, Branston Ltd, Back Dykes, Abernethy – Report 19/210 – Branston Ltd**

Mrs A Condliffe, Team Leader, advised the Committee that recommended condition 18 on page 136 should be amended in line 4 to refer to condition 17.

Mr Dimmeck, agent on behalf of the applicant, addressed the Committee, and following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following amended 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 commencement of the development hereby approved, a detailed landscaping and planting scheme for the site and a schedule for delivery 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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

including materials and installation methods and, species, height, size and density of trees and shrubs to be planted and any existing planting to be retained. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained 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.

3. 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.

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

4. The potato box storage area located adjacent to the eastern boundary of the site shall be limited to a maximum height of three boxes high at all times.

Reason: In the interests of visual and residential amenity.

5. Prior to the installation of any external lighting, the details of all new external lighting associated with the development hereby approved shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include 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.

Reason: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

6. Prior to the development hereby approved being completed or brought into use, the re-modelled eastern access hereby approved shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type D Figure 5.7 access detail, of Type B Road construction detail.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

7. Prior to the development hereby approved being completed or brought into use, provision of new footway to the satisfaction of Perth & Kinross Council as Road Authority shall be provided from the proposed new vehicular access eastwards along the A913 connecting into the existing footway.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

8. Development shall not commence on site until an intrusive investigation is undertaken in accordance with the recommendations contained within the Geo Environmental Desk Study undertaken by IKD, dated April 2018 (doc ref: 18/01016/25).
The intrusive investigation shall include the following:
- the nature, extent and type(s) of contamination on the site
 - measures to treat/remove contamination to ensure the site is fit for the use proposed
 - measures to deal with contamination during construction works
 - 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.

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

10. 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.

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

11. Prior to the commencement of any development on site the exact location of the existing culverted watercourse running through the eastern part shall be submitted to the Council. If the culvert requires to be diverted then a suitable diversion design shall be prepared and submitted

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

to and approved in writing by Council as Planning Authority in consultation with SEPA. The diversion of the culvert shall be undertaken as part of the site development and thereafter maintained.

Reason: To ensure appropriate diversion of the culvert on site.

12. 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. The TP as agreed shall be adhered to during operation of the site.

Reason: To encourage the use of sustainable modes of transport.

13. Prior to the commencement of any operations on site a fully detailed Operational Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority. This document shall include full details of how the site is intended to be operated taking into account the conditions and restrictions outlined within the hereby granted permission. The submission shall demonstrate that consultation with the local community has been undertaken in preparation of this plan and shall fully detail the outcome of this consultation process to demonstrate how matters raised by the local community are reflected within the plan. This operational plan shall be a fluid document which shall be updated to reflect any changes to the operation of the site and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, in writing shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity, pedestrian and traffic safety and to ensure the Council retains control over the operation and growth of the site.

14. 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 and

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

agreed in writing with the Planning Authority prior to the commencement of any development.

Reason: To protect breeding birds and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

15. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

16. 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.

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

17. The following noise mitigation measures shall be implemented and completed in full by 31st December 2019 all to the satisfaction of the Council as Planning Authority. All acoustic fencing shall accord with the details provided in drawing 18/01016/47.
Re-siting of sizing hall heater from north west side of sizing hall to north side of main building (Noise source S11 Figure A7.1 and A7.2 of NIA)
Erection of 3m high acoustic barrier on part of southern boundary of site adjacent to NSRs 1, 2 and 3 (in accordance Figure A7.2 of NIA and drawing 18/01016/50)
Erection of a 2m high acoustic barrier on the north west boundary of the site (Figure A7.2 of NIA)
Erection of 1.8m high acoustic barrier to southern edge of despatch hall (Figure A7.2 of NIA)

The above mitigation measures shall be retained for the life of the development other than the 1.8m high acoustic barrier on the southern edge of the despatch hall which may be removed following the implementation of the acoustic mitigation measures referred to in condition 18.

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

18. Prior to the commencement of any development on the new eastern access into the site hereby approved, the

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

3m high acoustic barrier fencing and bunding on the remainder of the southern boundary of the site, other than that referred to in condition 17, shall be erected in full.

The acoustic fencing shall accord with the details provided in approved drawings 18/01016/41, 18/01016/42, 18/01016/47 and Figure A7.3 of the NIA. The acoustic barrier shall be retained in perpetuity.

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

19. Prior to the commencement of any development on the new intake extension building hereby approved, the 3m high acoustic barrier to the north of the existing office building as outlined in Figure A7.3 of the NIA shall be erected in full. The acoustic fencing shall accord with the details provided in approved drawings 18/01016/42, 18/01016/47 and Figure A7.3 of the NIA. The acoustic barrier shall be retained in perpetuity.

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

20. All new industrial/service buildings hereby approved shall be constructed strictly in accordance with the build specification set out in section 11.1 (point 6) of the New Acoustic Report dated 28th March 2019 (doc ref:18/01016/53). The composite panelling of those industrial/service buildings shall be of a sound reduction index of at least Rw48db all to the satisfaction of the Council as Planning Authority.

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

21. The fuel delivery station hereby approved shall be fitted with silent running pumps to the satisfaction of the Council as Planning Authority.

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

22. Between the hours of 2100hrs and 0800hrs daily, all stored refrigerated trailers parked in the despatch area trailer park shall rely solely on electric hook up points to power refrigerated trailers. For stored trailers no diesel fridges are permitted to be used during this time.

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

23. All doors on new buildings shall be automated self-closing doors to the satisfaction of the Council as Planning Authority.

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

24. Prior to the development hereby approved being brought into use, a tarmacadam finish shall be applied to the new service road, existing access and the re-opened eastern

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

access to the satisfaction of the Council as Planning Authority.

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

25. The mitigation and operational controls for the development as outlined in the Noise Management Plan (NMP) hereby approved (doc ref:18/01016/54) shall be strictly adhered to during the operation of the site to the satisfaction of the Council as Planning Authority. This NMP shall be a fluid document which shall be updated to reflect any changes to the operation of the site and to address any substantiated concerns expressed by the local community regarding the operation of the site and/or identified as a result of the requirements of conditions 28 and 29 of this permission. The details, as approved, in writing shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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

26. Noise levels shall be limited to an internal night time target noise level of 42 dB LAFmax at all Noise Sensitive Receptors (NSR) other than Noise Sensitive Receptor 1 where noise levels shall be limited to an internal night time target noise level of 45dB LAFmax.

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

27. All new plant or equipment within the development hereby approved 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.

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

28. Prior to the commencement of any development on the new eastern access into the site and prior to the commencement of any development on the new intake extension building hereby approved, a written scheme for monitoring noise generated during the operational phase of the development shall be submitted to and approved in writing by the Planning Authority. The scheme must specify the location from where noise will be monitored, the method of noise measurement and identify maximum noise levels appropriate to each location in accordance with the wording of condition 26 above. The monitoring programme as agreed in writing will be subject to annual review to establish the frequency of noise monitoring and

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 26 above, operations responsible for the breach shall cease until a scheme of mitigation has been submitted to and agreed in writing with the Planning Authority. The mitigation measures, as agreed, shall be implemented on site to the satisfaction of the Planning Authority and included within an updated Noise Management Plan.

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

29. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with condition 26 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with condition 26, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales and included within an updated Noise Management Plan.

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

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.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

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 Road (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. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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 shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information 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.
8. 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.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

(iii) 19/00559/CON - Demolition of building, former Lomond Hotel, Main Street, Kinnesswood – Report 19/211 – Lime Blue Design Build

Mr Mitchell, on behalf of the applicant, answered members questions.

Resolved:

Grant, subject to the following conditions and informatives, including amended condition 3:

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 commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.
Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.
3. Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates and stone on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates and stone shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.
Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.
4. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.
Reason: To ensure a survey of the demolished historic building is undertaken in accordance with best practise.

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 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.
2. No work shall be commenced until an application for building warrant has been submitted and approved.

(iv) 19/00558/FLL - Erection of a dwellinghouse and garage, land 40 metres north west of Bonaly Cottage, Main Street, Kinnesswood – Report 19/212 – Lime Blue Design Build

J Scott, Team Leader, advised members that in paragraph 76 of Report 19/212, the condition referred to should be Condition 12 and 13, not 11 and 12.

Mr Mitchell, on behalf of the applicant, answered members questions.

Resolved:

Grant, subject to the following amended 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 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.
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow
3. Prior to the development hereby approved being completed or brought into use, the turning facilities shown

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

on the approved drawings shall be implemented and thereafter maintained.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

4. Prior to the commencement of any development full details of a bin presentation area close to Main Street shall be submitted to 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.

Reason: In order to ensure adequate servicing facilities are provided.

5. Prior to the commencement of any development a sample of the proposed render finish and window bands, 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.

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

6. Prior to the commencement of any development on site, full details, including a scaled elevation of the re-built 1.2m high natural stone boundary wall on the north eastern side of the site shall be submitted to and approved in writing by the Planning Authority. The wall detail, as agreed in writing, shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

8. Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates and stone on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates and stone shall be removed and re-used in accordance with the approved verification

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

9. The rainwater goods on the development hereby approved shall be cast iron, painted black, to the satisfaction of the Council as Planning Authority.
Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

10. 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; and
- iv. condition of the site on completion of decontamination measures.

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

11. 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.

12. 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.

Reason: To reduce the risk of disturbing any bats present within the buildings

13. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

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

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

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

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 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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

- at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. No work shall commence on site until consent has been granted for the associated Conservation Area Consent application for the demolition of buildings (Ref: 19/00559/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 permission for a development does not provide a defence against prosecution under this act.

Having left, and subsequently returned to the meeting during the consideration of this item, Councillor I James was ineligible to take part in this decision.

(v) 19/00693/FLL - Pitlochry - Alterations and extension to hotel, McKays Hotel, 138-144 Atholl Road, Pitlochry – Report 19/213 – McKay’s Hotel

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, a sample of the roof slate shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.
3. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.
4. Prior to the development hereby approved being completed or brought into use, secure and covered cycle

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

parking provision shall be provided to accommodate 5 number bicycles in accordance with the National Roads Development Guide to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason: In the interests of road safety; to ensure the provision of adequate cycle parking facilities.

5. Prior to the commencement of the development hereby approved a plan of the car park layout with spaces delineated shall be submitted to and agreed in writing by the Council as Planning Authority. The car park shall be resurfaced and laid out as per the approved plan prior to the development being completed or brought into use.

Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

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. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://shop.bgs.ac.uk/georeports/) and at <http://shop.bgs.ac.uk/georeports/>

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
31 JULY 2019

(2) Proposal of Application Notice (PAN)

- (i) 19/00002/PAN - Residential development at land 70 metres east of Tigh Grianach, St Ninian's Road, Alyth (Part of LDP Site H60) – Report 19/214 – Trustees of the Late Stewart Robertson**

Councillor Drysdale requested that consideration be given to the proximity of the neighbouring cemetery to the proposal.

Councillor Simpson requested a full assessment on the direction of traffic be undertaken.

Members also noted the issues identified by the Head of Planning and Development's Report.

~~~~~