

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
15 FEBRUARY 2017

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH on Wednesday 15 February 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, K Baird (substituting for A Livingstone), D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, M Lyle, W Robertson (substituting for M Barnacle) and G Walker.

In Attendance: N Brian, A Condliffe, J Ferguson, T Maric, A Rennie, J Scott, K Steven and C Stewart (all the Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle, I Campbell and A Livingstone.

Councillor T Gray, Convener, Presiding.

### **100. WELCOME AND APOLOGIES**

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

### **101. DECLARATIONS OF INTEREST**

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

### **102. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Development Management Committee of 18 January 2017 (Arts. 34-38) was submitted, approved as a correct record and authorised for signature.

### **103. DEPUTATIONS**

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications, which deputations had been received timeously:

<b>Planning Application No.</b>	<b>Art. No.</b>
16/01348/IPM	104(1)(i)
16/01595/IPM	104(1)(ii)
15/02097/FLL	104(2)(i)
16/01313/FLL	104(2)(ii)

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The Convener then asked the Committee if they were minded to hear a deputation from an objector to Art. 104(1)(iii), planning application 16/01418/FLL, which deputation request had been received after the deadline. The Committee unanimously agreed to allow this deputation to be heard.

**104. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 16/01348/IPM – PERTH – Residential development (in principle) on land 150 metres South West of Dobbies Garden Centre, East Huntingtower, Perth – Report 17/68 – Perth City West LLP**

Mr P Pritchett, 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, not including the original informatives 1 and 2:

**Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to the in Principle Permission (02/01482/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 8 years.

**Conditions**

1. The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. For the proposed phased development the application for Approval of Matters Specified in Conditions for shall be made no later than 2 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for such matters, whichever date is the earlier.
2. The site layout plan, phasing plan and housing numbers as submitted are purely indicative and are not approved.
3. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and

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construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the approved Delivery Plan unless otherwise agreed in writing by the Planning Authority.

4. No development shall commence on any phase until further planning application/applications have been submitted to and approved by the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:
  - a) The delivery of the development in phases associated with the areas prescribed in the Masterplan.
  - b) Details of all cut and fill operations.
  - c) Full details of the proposed means of disposal of foul water to serve the development.
  - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
  - e) The siting, design, height and external materials of all buildings or structures.
  - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
  - g) Details of any screen walls/fencing to be provided.
  - h) Details of all landscaping, planting and screening associated with the development
  - i) Details of play areas and the equipment to be installed.
  - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide).
  - k) Detailed specification of all street and footpath lighting.
  - l) Detailed specification of noise and lighting mitigation measures to be incorporated along properties that face the A9 and 85 Roads.
  - m) Detailed plan of public access across the site (existing, during construction and upon completion).The development shall be implemented in accordance with the planning application(s).
5. In pursuance of condition 4 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul

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drainage system shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Water and Scottish Environment Protection Agency. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

6. In pursuance of Condition 4 d), disposal of surface water:-
- a) all storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
  - b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in the Drainage Strategy. The agreed detail shall thereafter be implemented prior to the completion of the development.
  - c) The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
  - d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the Town Lade. The discharge of any surface water drainage to the Perth Town Lade will be limited to 80-90% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.
7. In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-
- a) The submission of sustainability checklists
  - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
  - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold

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Active from 2020 as per the 'Building Standards  
Technical Handbook Section 7 – Sustainability'.  
Following written approval from the Planning Authority  
each development phase shall be undertaken in  
accordance with the approved details.

8. In pursuance of condition 4 j), all applications for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).
9. In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
  - a) Existing and proposed finished ground levels relative to a fixed datum point.
  - b) Existing landscape features and vegetation to be retained.
  - c) Existing and proposed services including cables and any substations.
  - d) The location of new trees, shrubs, hedges, grassed areas and water features.
  - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
  - f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
  - g) An indication of existing trees, shrubs and hedges to be removed.
  - h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

10. In pursuance of condition 4 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of development, will be

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submitted for the written approval of the Council as Planning Authority and show:-

- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
  - c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.
  - d) Any diversions of paths, temporary or permanent proposed for the purposes of the development.
  - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.
11. Development shall not commence until a Green Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the various elements of the development and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. The plan will include details of the financial contribution required to provide an adequate local bus service for the development and the pedestrian crossing over the A9.
  12. No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85/Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.
  13. No more than 100 residential units are permitted to be occupied until the A9 / A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, is operational.
  14. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial

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- contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.
15. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
  16. Prior to commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, following consultation with Transport Scotland.
  17. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
  18. There shall be no drainage connections to the trunk road drainage system.
  19. No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
  20. Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the A9 and A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
  21. The Habitat Survey undertaken and submitted with the planning application 16/01348/IPM shall be updated and re-submitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.
  22. Development shall not commence until further information is submitted on the culverted watercourse flowing through the development site as shown on drawing entitled "CCTV Survey results, Drainage Strategy" by Goodson Associates, Drawing Number DSP01. Further Information must detail the culvert source, and detail post development proposals. No dwellings shall be erected above the culvert.
  23. No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the

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- applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the service, shall be submitted to and approved in writing by the planning authority, after satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
24. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
25. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
26. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
27. Dust mitigation measures as detailed in the Air Quality Impact Assessment document by Energised Environments dated 11 August 2016 shall be followed at all times during construction.



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28. Construction work shall be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy work on a Sunday.
29. Noise shall be re-assessed at the Approval of Matters application stage with further mitigation suggested to ensure all properties are adequately protected from road noise.
30. For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
31. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (Litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

32. Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority. This report should investigate the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.
33. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.
34. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education

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- infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
35. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
36. Prior to the commencement of development a detailed ground investigation and reclamation statement shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be restricted to those areas that will form garden grounds unless the investigation identifies the requirement to assess ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British standards. Any necessary works of remediation shall be implemented in accordance with the approved reclamation statement prior to the new dwellings being first occupied.

**Justification**

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

**Procedural notes**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed and signed to reflect the current planning reference 16/01348/IPM. 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 development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the

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notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
2. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
  3. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
  4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
  5. The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
  6. There is evidence of Hogweed present on the site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.
- (ii) **16/01595/IPM – BLAIRGOWRIE – Variation of condition 5 (roads and access) of permission 09/01345IPM (mixed use development including residential, business, nursing home and hotel) at Glenisla Golf Club, Alyth, Blairgowrie – Report 17/69 – Glenisla Developments Ltd**

Mr M Officer, applicant, addressed the Committee and, following his representation, withdrew to the public benches.

**Resolved:**

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

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**Directives**

1. Perth and Kinross Council, under section 59 of the Town and Country Planning (Scotland) Act 1997 shall substitute subsections (2)(a) and (b) of section 59 of the Act with the following text as it is considered appropriate by the Planning Authority in this instance, due to the scale of the development, the proposal's relationship with the current Development Plan and the fact that the initial planning permission was granted in 2010.
  - (a) An application for the approval of a) a master plan for the entire development site and b) all matters specified in conditions for the development of the first development phase, shall be made before the expiration of 18 months from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case an application for the approval of all such matters specified in conditions must be made within 6 months of the date of such refusal or dismissal. The approved development shall thereafter commence not later than the expiration of 2 years from the date of this grant of planning permission in principle or 1 year from the final approval of matters relating to the first development phase, whichever is later.
  - (b) With the exception of a) a master plan for the entire development site and b) all matters specified in conditions for the first development phase, the remainder of the development that is subject to this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been approved before whichever is the latest of:
    - (i) the expiration of 7 years from the date of this grant of planning permission in principle;
    - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
    - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

**Conditions**

1. That no development shall be undertaken in any phase unless a detailed phasing programme and masterplan

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outlining the delivery strategy for the proposed land use, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the Council as Planning Authority via a formal 'Matters Specified in Conditions' application.

2. Notwithstanding the requirements of condition 1, the development of each individual phase shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
3. The residential layout and the position of the nursing home is not approved.
4. The number of mainstream residential units shall not exceed 216.
5. Prior to the commencement of construction within each phase of the development, all matters regarding access, car parking, road layout, design and specification within that phase, including the disposal of surface water, shall be designed in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority. Thereafter, all approved works shall be completed within a timescale agreed with Perth and Kinross Council.
6. Each application for the approval of matters specified in conditions (relating to the different phases) shall include a transport assessment scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car), to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.
7. 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, to the satisfaction of the Council as Planning Authority.
8. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of

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archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

9. No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority, to protect Scheduled Monument 1575. In addition, no works shall take beyond the fencing without the prior agreement of the Council as Planning Authority and Perth and Kinross Heritage Trust.
10. The setting of Scheduled Monument 1575 shall be protected, to the satisfaction of the Council as Planning Authority, in consultation with Historic Scotland.
11. Each application for the approval of matters specified in conditions (relating to the different phase) shall include an updated air quality report(s), unless otherwise agreed in writing by the Council as Planning Authority.
12. A detailed construction method statement must be submitted to the Council prior to works starting and shall include pollution prevention, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing details of the construction, all to the satisfaction of the Council as Planning Authority.
13. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
14. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.
15. All submitted details relating to the hotel, nursing home, clubroom extension and business starter units are for indicative purposes only, and are therefore not approved as part of this application.
16. Prior to the approval of matters specified in conditions in relation to the first phase of the development, a detailed ecological survey (including flower and fauna) of the whole site shall be carried out and submitted for the

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approval in writing by the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority. Thereafter, each application for the approval of matters specified in conditions of subsequent phases of development, must include an updated ecology report, unless otherwise agreed in writing by the Council as Planning Authority.

**Justification**

The proposal is considered to be contrary to the Development Plan, but there are other material considerations that would justify a departure there from.

**Informatives**

1. For the avoidance of doubt, the term 'phase' within any condition or directive shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.
- (iii) **16/01874/FLM – BLAIRINGONE – Deletion of condition 6 (occupation) of permission 08/01561/FLM (formation of an equestrian centre, utility shed, indoor riding school, stables, 4 chalets/cottages and 7 dwellinghouses with associated car parking) on land 100 metres West of Easter Muirhead, Blairingone – Report 17/70 – Mr Ron Brady**

**Resolved:**

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

**Conditions**

1. Prior to the occupation and use of the approved manager's dwellinghouses, the associated approved landscape plan 08/01561/17 shall be implemented.
2. Consistent with conditions 4 and 9 of planning consent 08/01561/FLM, supplementary landscaping planting proposals around the periphery of the site shall be submitted for further written approval of the Planning Authority within 6 months of this Committee decision. The scheme as agreed shall be implemented during the first available planting season thereafter.
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.
4. A detailed foul drainage plan shall be submitted for the approval of the Planning Authority in consultation with SEPA within 3 months of this Committee decision.

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**Justification**

The principle of supporting the removal of condition 6 of planning consent 08/01561/FUL is not considered to conflict with the Development Plan to a level that would warrant refusal of the application and there are associated material considerations, which assist in justifying the removal of this condition.

**Procedural Notes**

1. No consent shall be issued until the payment of a commuted sum towards affordable housing provision of £7500 has been secured through either an upfront payment or a Section 75 Legal Agreement has been agreed between the applicant and the Council.
2. Consistent with procedural note 1, 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.

**(2) Local Applications**

- (i) 15/02097/FLL – DUNNING – Erection of 3 agricultural buildings and workshop/offices/staff accommodation building and land engineering operations (in part retrospect) at land 200 metres South East of A M Howie Yard, Yetts of Muckart Road, Dunning – Report 17/71 – Mr Ross Howie**

Ms A Armstrong, objector to the application, Mr J Perrett, Dunning Community Council, objector to the application, and Mr S Howie, on behalf of the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

**Motion (Councillors Gray and Gaunt) – Refuse the application for the following reasons:**

1. The proposal is contrary to Policy ED3(a) of the Perth and Kinross Local Development Plan 2014, in that due to its proximity to residential properties, the proposal would detrimentally impact on the amenity of these properties.
2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that due to its proximity to residential properties, the proposal would not contribute positively to the quality of the surrounding built and natural



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**environment, or respect the character and amenity of the place.**

- 3. The proposal is contrary to Scottish Government Advice detailed in 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice, in that the proposal represents a substantial departure from the Code which recommends a distance of 400 metres from residential accommodation as the nearest residential properties of Glen Rossie House and Sawmill Cottage at Newton of Pitcairns are 45 and 47 metres from the site.**

Amendment (Councillors J Kellas and H Anderson) – Grant, subject to the terms, conditions and informatives contained in Report 17/71, including an additional condition 17 and procedural notes as undernoted:

**Additional condition**

17. The development shall be fully carried out in accordance with the Noise Impact Assessment produced by Airshed dated 17 August 2016 and updated 28 October 2016. Particular reference is drawn to the proposed noise mitigation measures outlined in Table 5 of the 17 August 2016 report.

**Procedural notes**

1. Consent not to be issued until payment of the required developer contribution is paid or a Section 75 Agreement has been completed and signed.
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.

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

2 members voted for the Amendment as follows:  
Councillors H Anderson and J Kellas.

10 members voted for the Motion as follows:  
Councillors T Gray, K Baird, B Band, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, M Lyle, W Robertson and G Walker.

Amendment – 2 votes

Motion – 10 votes

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**Resolved:**

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED

**(ii) 16/01313/FLL – CROOK OF DEVON – Erection of a dwellinghouse at land 40 metres West of Devonlade, Main Street, Crook of Devon – Report 17/72 – Mr and Mrs Devanny**

Ms J Donachie and Mr B Shannon, objectors to the application, followed by Mr C Devanny, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors Robertson and Cuthbert) – Refuse, as the proposal is contrary to:

1. Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that by virtue of its two-storey design, the proposal would not respect the character and amenity of the place, and would result in overlooking of neighbouring properties.
2. Policy RD1(a) of the Perth and Kinross Local Development Plan 2014, in that by virtue of its two-storey design, the proposal would not respect the environs of the site.

**Amendment (Councillors Kellas and Band) - Grant, subject to the following terms, conditions and informatives:**

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this 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. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

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4. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.
5. Prior to the commencement of any construction works associated with the dwellinghouse hereby approved the full details of the compensatory flooding storage to make up for the land raising approved (16/01313/8) shall be submitted to and approved in writing by the Planning Authority. It shall subsequently be undertaken in full to the satisfaction of the Council as Planning Authority in consultation with the Structures and Flooding Team. Upon completion of the compensatory storage the Planning Authority shall be informed and an inspection undertaken by the Structures and Flooding Team. No construction works associated with the dwellinghouse hereby approved shall occur on site until the Planning Authority has confirmed in writing that the compensatory storage is acceptable and in accordance with the required details. The compensatory storage areas shall thereafter be maintained in perpetuity.
6. All land at or below 143.46mAOD (regarded as the functional Flood plain) shall be maintained at existing ground levels on completion of the development in perpetuity. A topographical survey of final ground levels shall be submitted to the Council as Planning Authority within 14 days of the completion or bringing into use of the dwellinghouse hereby approved, whichever is the earlier.
7. The existing trees and hedging on the boundaries, other than those marked for removal on the approved plans shall be retained in perpetuity 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.

**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

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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 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.

In terms of Standing Order 44, a roll call vote was taken.

7 members voted for the Amendment as follows:

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

5 members voted for the Motion as follows:

Councillors K Baird, D Cuthbert, A Gaunt, C Gillies and W Robertson.

Amendment – 7 votes

Motion – 5 votes

**Resolved:**

In accordance with the Amendment.

- (iii) **16/01418/FLL – ALYTH – Variation of condition 1 of permission 13/00615/IPL (residential development (in principle) to extend the time period for the commencement of development at land 60 metres East of 9 Local Road, Alyth – Report 17/73 – Mrs Lynne Thomson**

Mr D Bell, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

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**Resolved:**

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

**Conditions**

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
2. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority. Additional access points to the site should be explored to ensure that the layout accords with the Scottish Government's Designing Streets policy.
3. Unless otherwise agreed in writing, all trees shall be retained to the satisfaction of the Council as Planning Authority.
4. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.
6. The numbers of dwellings and layout shown are not approved as part of this consent.
7. No trees on the site shall be felled without the prior written agreement of the Council as Planning Authority. Any detailed application shall be accompanied by a detailed tree survey carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS

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5837 2012: Trees in Relation to Design, Demolition and Construction.

8. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.
9. Further to Condition 1 above, a Flood Risk Assessment (FRA) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The FRA shall consider flood risk from all sources and shall be developed in accordance with the relevant technical guidance published by the Scottish Environment Protection Agency (eg Technical Flood Risk Guidance for Stakeholders) and the Council's Flood Risk and Flood Risk Assessment Developer Guidance.
10. Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.
11. The asserted right of way/core paths to the west of the site 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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in

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principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

**(3) Proposal of Application Notice (PAN)**

- (i) 16/00013/PAN – PERTH – Proposed planning permission in principle for residential and development (classes 4, 5 & 6) and associated works with possible primary school, district heating system and park and ride at land 250 metres South East of Auteven, West Huntingtower, Perth – Report 17/74**

Members noted that all relevant issues had been addressed in the Development Quality Manager's report although Councillor Anderson asked that officers ensure that the agricultural land is correctly classified.

- (ii) 16/00014/PAN – AUCHTERARDER – Proposed business park including use classes 4, 5 & 6 and associated works at land 130 metres South of Field View, Windsole, Auchterarder – Report 17/75**

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.

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