

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
15 NOVEMBER 2017

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 15 November 2017 at 10.00am.

Present: Councillors M Lyle, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, A Jarvis, R McCall R Watters and W Wilson.

In Attendance: Councillor L Simpson; N Brian, A Condliffe, D Niven, M Petrie, J Scott, C Stewart and D Salman (all The Environment Service); G Fogg, K Molley and D Williams (all Corporate and Democratic Services).

Councillor M Lyle, Convener, Presiding.

653. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. There were no apologies for absence.

654. DECLARATIONS OF INTEREST

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

655. MINUTES

The minute of meeting of the Development Management Committee of 18 October 2017 (Arts. 596-600) was submitted, approved as a correct record and authorised for signature.

656. DEPUTATIONS

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

Planning Application No.	Art. No.
17/00088/IPM	657(1)(i)

657. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 17/00088/IPM – STANLEY – Mixed use development/expansion at Stanley Village – Report 17/379 – Muir Homes Ltd**

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Mr and Mrs Burke followed by Mr Ewan McIntyre, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches. J Scott, Team Leader, requested that, should the Committee be minded to grant the application, condition 28, as outlined in Report 17/379, be removed, as it was no longer required.

Resolved:

Grant, subject to the following terms, conditions and informatives, with condition 28, as outlined in Report 17/379, removed:

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 the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 14 years.

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. The site layout plan and housing numbers as submitted are purely indicative and are not approved.
3. No works in connection with the development of each site hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a revised detailed phasing plan for each site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part

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- of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
 - (v) details of any screen walls/fencing to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vi) details of all landscaping, structure planting and screening associated with the development of each site;
 - (vii) the lighting of all streets and footpaths;
 - (viii) the layout of play areas and the equipment to be installed;
 - (ix) full details of the proposed means of disposal of foul and surface water from the development.
 - (x) details of car charging points to be provided within the development.
- 4. Prior to the start of any work on site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phase outlined below.
 - (i) the employment land development must be fully serviced before the occupation of the first residential dwelling of H34;
- 5. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). 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.
- 6. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.
- 7. The development hereby approved shall not exceed 431 residential units and 3,000 sqm Ground Floor Area (GFA) of Class 4 (Office) use, in addition to the 69 residential units already consented on the application sites.

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8. Prior to the occupation and use of the approved development all matters 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) and to the satisfaction of the Planning Authority. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
9. 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;
 - 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.
10. 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.

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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 (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

11. Schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority as part of the Matters Specified by Condition application for that phase of development.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

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

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- plants of similar size and species to those originally required to be planted.
12. Full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.
 13. As part of any Application for Matters Subject to Conditions application for sites H30 and H31 a detail Flood Risk Assessment must be submitted for the approval of the Planning Authority in consultation with SEPA.
 14. As part of any Application for Matters Subject to Conditions application for site H31 a feasibility study with regards de-culverting the watercourse to restore it to its natural state must be submitted for the approval of the Planning Authority in consultation with SEPA.
 15. 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 to assess 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.
 16. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development.
 17. If not already in place, and prior to the commencement of development the applicant must provide a suitable trespass proof fence (rivetless palisade or expanded mesh) of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail's existing boundary measure must not be removed without prior permission.
 18. Where trees/shrubs are to be planted adjacent to the railway boundary they should be positioned at a distance agreed by Network Rail. For the avoidance of doubt from

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the distance should be greater than their predicted mature tree height. Clarification from Network Rail should also be sought on the proposed tree species as certain broad leaf deciduous species are not permitted adjacent to the railway boundary.

19. Prior to the commencement of development details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to and approved by Network Rail's Asset Protection Engineer. For the avoidance of doubt, where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
20. As part of any detailed application for each site a detailed protected species surveys including breeding birds 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.
21. Should the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months from the date of the planning consent, the ecological surveys shall be reviewed and, where necessary, amended and updated. Further ecological surveys shall establish if there have been any changes in the presence of any protected species and identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the approved revised ecological measures and timetable.
22. The conclusions and recommended action points within the supporting Ecological Assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
23. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open

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- excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority and implemented thereafter. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
24. Prior to occupation of any buildings on site a minimum of 30% of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.
25. Prior to commencement of development a Dust Management Plan shall be prepared and submitted to the Planning Authority for approval in consultation with Environmental Health. This shall include details of any required monitoring for dust and particulates (PM₁₀) and shall be maintained throughout the construction process.
26. Noise shall be reassessed at the detailed planning application stage for each site to ensure that a suitable level of residential amenity can be achieved at all residential receptors.
27. 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.
29. 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.
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.

Justification

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

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Procedural Notes

1. Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00088/IPM.
2. 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 having to be 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 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.
2. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal
3. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on

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- 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 applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
 7. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 8. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
 9. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
 10. 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.
 11. 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.
 12. 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.
 13. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

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14. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
15. Public rights of access and servitude must be acquired from Network Rail for the proposed footpath link incorporating the Overbridge 133/135 between Site H33 to Site H34.

(ii) 17/00204/AMM – PERTH – Application for approval of matters specified in conditions of 12/01692/IPM for erection of 70 dwellinghouses and associated works on land to the West of Cherrybank Gardens, Perth – Report 17/380 – Bellway Homes Ltd

This item was withdrawn from consideration prior to the meeting.

(iii) 17/00357/AMM – ERROL – Erection of a restaurant/farm shop, formation of parking areas and associated works (approval of matters specified in conditions 16/00298/IPM – Phase 1) on land West of Horn Farm Cottage, Errol – Report 17/381 – Mr James Farquharson

A Condliffe, Interim Development Quality Manager, requested that, should the Committee be minded to grant the application, condition 12, as outlined in Report 17/381, be removed, as it was no longer required.

Resolved:

Grant, subject to the following terms, conditions and informatives, with condition 12, as outlined in Report 17/381, removed:

Direction

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

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.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the

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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.

3. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
4. Prior to the development hereby approved being completed or brought into use, 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.
5. No landraising or the erection of solid boundaries within the 1 in 200 year floodplain identified on drawing number 17/00357/11 is permitted.
6. The car parking area located within the 1 in 200 year floodplain identified on drawing number 17/00357/11 shall be constructed using a permeable surface and maintained in perpetuity to the satisfaction of the Council as Planning Authority.
7. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
8. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
9. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
10. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness

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- 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.
11. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
 13. Prior to the commencement of the development hereby approved, a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures will be submitted to and be approved in writing by the Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development of that phase shall be fully undertaken in accordance with the agreed details.
 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 unless otherwise agreed in writing by 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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with

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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. 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.
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 at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. No work shall be commenced until an application for building warrant has been submitted and approved.

(2) Proposal of Application Notice (PAN)

- (i) 17/00008/PAN – BANKFOOT – Proposed creation of sand and gravel borrow pit and associated ready mix concrete and asphalt plants, on land South of Loak Farm, Near Bankfoot, Perthshire – Report 17/382**

Members noted the issues identified by the Interim Head of Planning's report.

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