

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
24 MAY 2017

**DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 24 May 2017 at 10.00am.

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, M Barnacle (up to and including Art. 299(2)(ii)), H Coates, E Drysdale, I James, A Jarvis, R McCall, S McCole (substituting for T Gray) (up to and including Art. 298), R Watters (up to and including Art. 298) and W Wilson (up to and including Art. 299(2)(iii)).

In Attendance: Councillors I Campbell, F Sarwar, L Simpson and C Stewart (all up to and including Art. 299(2)(ii)); B Renton, Director (Environment) (up to and including Art. 299(2)(ii)); N Brian, A Condliffe, A Deans, E Jordan (up to and including Art. 299(2)(ii)), P Marshall, C Petrie, M Petrie (up to and including Art. 299(2)(ii)), A Rennie and J Scott (all The Environment Service); C Taylor (Education and Children's Services); C Elliott, L Potter, S Richards and H Rheinallt (all Corporate and Democratic Services).

Apology: Councillor T Gray.

Councillor M Lyle, Convener, Presiding.

**294. WELCOME AND APOLOGIES**

The Convener welcomed everyone to the meeting and an apology was noted as above.

In terms of Standing Order 13, the Committee agreed to record the meeting for training purposes.

**295. DECLARATIONS OF INTEREST**

Councillor W Wilson declared a non-financial interest in Art. 299(3)(i) in terms of the Councillors' Code of Conduct.

**296. MOTION**

Councillor H Anderson, seconded by Councillor E Drysdale, moved that all items of business on the agenda be deferred to allow members more time to consider the planning training.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Councillor H Anderson and Councillor E Drysdale withdrew the Motion.

COUNCILLOR S MCCOLE REQUESTED HER DISSENT BE RECORDED IN RELATION TO THE WITHDRAWAL OF THE MOTION.

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COUNCILLORS S MCCOLE AND R WATTERS LEFT THE MEETING AT THIS POINT.

**297. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Development Management Committee of 12 April 2017 (Arts. 207-212) was submitted, approved as a correct record and authorised for signature.

**298. DEPUTATIONS**

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

<b>Planning Application No.</b>	<b>Art. No.</b>
16/01935/IPM	299(2)(i)
16/02127/IPM	299(2)(ii)
17/00395/FLL	299(3)(i)

**299. APPLICATIONS FOR DETERMINATION**

**(1) Applications Previously Considered**

- (i) 12/00546/FLL – CROOK OF DEVON – Report on the updated enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/travellers pitches at Crookmoss, Crook of Devon, Kinross-shire, approved at Development Management Committee 9 October 2013 and further reports to Committee 18 March 2015, 16 September 2015, 13 January 2016 and 11 May 2016 – Report 17/184 – Messrs J Johnston & M MacDonald**

N Brian and E Jordan, Enforcement Officer, answered Members' questions.

**Resolved:**

The Interim Head of Planning is requested to prepare an updated report on the enforcement of the conditions imposed on the planning application for the formation of five permanent gypsy/traveller pitches on land at Crookmoss, Crook of Devon, Kinross-shire, to be submitted to the Development Management Committee in one years' time.

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**(2) Major Applications**

- (i) 16/01935/IPM – SCONE – Mixed use development comprising residential and employment (in principle) on land South East of Hanger 4, Perth Airport, Scone – Report 17/185 – Morris Leslie Ltd**

Mr D McKerracher, on behalf of Scone and District Community Council, objector to the application, followed by Mr Houghton, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives, including updated Conditions 1 and 4 as undernoted:

**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 (16/01935/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 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 2013 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 phasing plan as submitted is purely indicative and is not approved.
3. No development of any housing shall commence until the proposed Cross Tay Link Road (CTLR) as part of the Perth Transport Futures Project is a 'committed project'. For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

*"The CTLR becomes a committed project when all funding, land required for the scheme, statutory*

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*approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced”*

4. No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters:
- a) The delivery of the development in agreed phases.
  - b) Details of any 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/planting to be provided.
  - h) Details of all landscaping, planting including structural planting and screening associated with the development.
  - i) Details of a play area 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 mitigation measures to be incorporated along properties that face the A94 and Airport.
  - m) Detailed plan of connection between the site and core paths.
  - n) Detailed specification of footway improvements on adjacent A94.

The development shall be implemented in accordance with the planning application(s).

5. In pursuance of condition 4 c), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of

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connection with the main drainage system and shall be carried out in accordance with the approved scheme.

6. In pursuance of condition 4 d) and prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.
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 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 (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, pipelines, 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

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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.

9. 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.
10. 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.
11. 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.
12. Road noise shall be reassessed at the Approval of Matters Specified by Condition (AMSC) stage at those properties most affected by the A94 to ensure reasonable internal noise levels within any bedrooms can be achieved.
13. A barrier shall be constructed in line with recommendations contained within the Report on Road and Air Traffic Sound for Morris Leslie at Nugent Drive, Scone, Perth and Kinross by Charlie Fleming Associates dated 31 August 2016. Details of the agreed barrier shall be submitted and approved by the Planning Authority as part of the Approval of Matters Specified by Condition (AMSC) stage.
14. 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

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and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- (i) the nature, extent and type(s) of contamination on the site
- (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
- (iii) measures to deal with contamination during construction works
- (iv) condition of the site on completion of decontamination measures.

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

- 15. 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.
- 16. A Tree Survey 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 Tree Survey shall include:
  - (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
  - (b) in relation to every tree identified, a schedule listing:
    - (i) information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
    - (ii) any proposed pruning, felling or other work; and
  - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

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- (i) any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
  - (ii) all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
  - (d) areas of existing landscaping to be protected from construction operations and the method of protection.
- 17. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified applications.

**Justification**

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

**Informatives**

1. Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the 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.
2. 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.
3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. 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



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Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.

5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**(ii) 16/02127/IPM – SCONE – Residential development with open space, landscaping, drainage and associated infrastructure (in principle) Scone North, Scone – Report 17/186 – A and J Stephen Ltd**

Ms J Belch, Scone North Study Group, objector to the application, Mr D McKerracher on behalf of Scone and District Community Council, objector to the application, Councillor L Simpson and Councillor C Stewart, both objectors to the application, followed by Mr J Stephen, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors E Drysdale and M Barnacle) – Defer, for an unaccompanied site visit.

**Amendment (Councillors W Wilson and H Coates) – Grant, subject to the terms, conditions and informatives contained in Report 17/186, including an updated Condition 1 and additional Condition 37 as undernoted:**

**Updated Condition 1**

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**

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**Management Procedure) (Scotland) Regulations 2013 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.**

**Additional Condition 37**

- 37. Following the Cross Tay Road Link (CTLR) becoming a “committed” project, as defined under condition 25 of this consent, no more than 67 residential units (in addition to those permitted under condition 25) shall be permitted to be occupied until the CTLR is completed.**

***Reason: To ensure that the impact of the development is in accord with the appropriate threshold in relation to air quality assessment.***

**Justification**

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

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

8 members voted for the Amendment as follows:

Councillors M Lyle, B Brawn, B Band, H Coates, I James, A Jarvis, R McCall and W Wilson.

3 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle and E Drysdale.

Amendment – 8 votes

Motion – 3 votes

**Resolved:**

In accordance with the Amendment.

COUNCILLOR BARNACLE LEFT THE MEETING AT THIS POINT

FOLLOWING AN ADJOURNMENT, THE COMMITTEE RECONVENED.

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- (iii) **17/0198/FLM – PERTH – Erection of a school, biomass/energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works on land at Bertha Park, Perth – Report 17/187 – Mr A Cook**

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives, including updated Conditions 14 and 15 as undernoted:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. 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.
3. 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, in particular Inveralmond Roundabout during peak traffic volumes (08.00-09.30, 16.00-17.30) and the associated 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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - f) 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;

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- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) 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;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) monitoring, reporting and implementation arrangements; and
- n) 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.

- 4. Prior to the use of any identified external play and sports facilities, a Noise Management Plan (NMP) must be submitted to and approved in writing by the Planning Authority, in consultation with the Council Environmental Health Team. The approved NMP shall identify all appropriate measures to be adopted, the system of management, monitoring, review, reporting and the appropriate timescales for any plan review. The approved plan shall thereafter be adhered to and reviewed periodically as agreed in consultation with the Council Environmental Health Team.
- 5. 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.
- 6. 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.
- 7. 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

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boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

8. The hours of operation of any external floodlighting shall be restricted to between 0800 and 2200 hours.
9. The boiler shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The boiler and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions and a record shall be retained of these activities which shall be presented to the Council on request. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.
10. 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.
11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
12. Prior to the commencement of development, a detailed planting scheme shall be submitted for the further written agreement of the Council as Planning Authority. This shall include planting numbers and full specifications. Appropriate structural landscape buffer planting shall also be investigated around the edges of the site; at key, pre-agreed locations. The scheme as subsequently approved shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
13. Prior to the occupation of the building, precise details of the proposed recycling and waste collection facilities shall be submitted for the further written agreement by the Council as Planning Authority, in consultation with the Council Community Waste Team. The approved details shall be implemented prior to the completion or bringing into use of the development.
14. In association with condition 13, a screened recycling point comprising containers for colour separated glass, paper/card, household metal packaging, textiles and small

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waste electricals shall be installed within the school grounds, to the west of the parking area, at an exact location and scale to be agreed in consultation with the Council Community Waste Team. The details as approved shall be delivered on site prior to the occupation of any neighbouring residential units.

15. In association with condition 13, the required recycling containers for glass should either be 'bells' or underground storage design, to be specified and agreed in consultation with the Council Community Waste Team. The detail as approved shall be implemented prior to the occupation of any neighbouring residential units.
16. Prior to the commencement of development, detailed drainage calculations associated with the proposed drainage design shall be submitted for the further written approval of the Planning Authority, in consultation with the Council Structures and Flood Risk Team.
17. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.
18. Prior to the commencement of the development, details of the specification and colour of the proposed external finishing materials, including full details of the proposed retaining walls shall be submitted to and agreed in writing by 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 earlier.
19. The applicant is advised to consider and design in future proofing measures for the development to be capable of connecting to a wider heat network as part of the development of the wider Berthapark site. This includes; appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

**Justification**

The proposals are considered to accord with the Development Plan with significant education and long term community benefits to the residents of Berthapark, with no material reasons which justify departing from the Development Plan.

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**Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
4. 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 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.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
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. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
8. The applicant is recommended to contact with the Council Community Waste Team at the earliest opportunity and

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ultimately prior to commencement of development to ensure that all associated requirements are understood and can be met for the servicing of bins and the recycling point.

9. The applicant is recommended to review and follow the best practice guidance within the RSPB consultation memo dated 1<sup>st</sup> March 2017 in relation to biomass as a fuel source.

**(2) Local Applications**

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

**(i) 17/00395/FLL – PERTH – Erection of a dwellinghouse and relocation of public footpath, site west of 63 Needless Road, Perth – Mr R MacDonald**

Ms A Cowie, objector to the application, followed by Mr D Murdoch, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives, including updated Conditions 3, 4 and 6 as undernoted:

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



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4. Prior to the development hereby approved being completed or brought into use, the new vehicular access arrangement shown on the approved drawings shall be implemented and thereafter retained to the satisfaction of the Council as Planning Authority.
5. 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.
6. Prior to the development hereby approved being completed or brought into use, the new footpath to the east of the site shall be completed with a bound surface and the gradient of the footpath shall not exceed 10% for the entire length of the footpath all to the satisfaction of the Council as Planning Authority.
7. Prior to the commencement of development details and the precise location of the pedestrian barrier to be installed next to the junction of the new footpath and Needless Road shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the pedestrian barriers shall be installed in accordance with the approved details and prior to the occupation of the dwelling house.
8. Prior to the commencement of the development hereby approved, a management plan indicating any temporary footpath diversions and signage needed to facilitate the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
9. The foul drainage for the development shall be drained to the public mains sewerage system.
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.
11. The windows in the east elevation of the development hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained at all times.

**Justification**

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

**Procedural Notes**

1. No consent shall be issued until the payment of a commuted sum towards education provision of £6460 and £3549 towards Roads Infrastructure (Total £10 009) has

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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 Developer Contributions 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 may be refused under delegated powers.

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that the granting of planning 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.
6. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
7. 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

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www.pkc.gov.uk and should be returned to  
[snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)

8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

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