

# PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 22 September 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern (substituting for L Simpson), M Barnacle, R Brock, T Gray, D Illingworth, I James, T McEwan, R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, G Bissett and L MacLean (all Communities); G Fogg, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors L Simpson and C Reid.

Councillor R McCall, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

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

## 2. DECLARATIONS OF INTEREST

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

## 3. MINUTES

The minute of meeting of the Planning and Development Management Committee 24 August 2021 was submitted and approved as a correct record.

## 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
19/00609/AMM	5(1)(i)

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Application

- (i) **Planning Application – 21/00609/AMM - Erection of 58 dwellinghouses and 3 detached garages, landscaping and associated works (approval of matters specified by conditions 16/02127/IPM) Phase 1B, Scone North, Scone**

Mr D McKeracher, objector on behalf of Scone and District Community Council, followed by Mr J Stephen, on behalf of the

applicant, addressed the Committee via audio conference and answered members questions.

**Resolved:**

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

**Conditions**

**General**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure that the development is carried out in accordance with the plans approved.

**Construction**

2. The Construction Environment Management Plan (CEMP) submitted to satisfy Condition 19 of planning permission 16/02127/IPM shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amended document shall be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

3. In association with Condition 2, any temporary core path diversion must be made up to a suitable standard (in respect of width and materials specification) for continued public access and signed accordingly.

Reason: In the interests of ensuring appropriate and continued public access during the construction period.

**Landscape and Biodiversity**

4. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan, and thereafter maintained. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

5. In association with Condition 7 of planning permission 16/02127/IPM, any trees bounding the site, which may be affected by any element of the approved development and its associated construction, shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.  
Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.
6. The conclusions and recommended action points within the supporting Biodiversity Survey and Biodiversity Action Plan (BAP) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.  
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

### **Justification**

The proposals are considered to remain in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

### **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 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.

4. 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 Environment Protection Agency.
5. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
6. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot 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.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
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, including construction phasing.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is advised and requested by the Council's Flooding team to continue to monitor water levels in any 'live' in-situ boreholes (BH 3 and BH 7), for as long as possible and results provided periodically to the Flooding Team for information and review.
11. The applicant is advised to take full account of technical guidance set out in the Council's Community Greenspace memo (dated 20.07.21).
12. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporated material changes to the scheme, in and around the proposed play area. Additional information was also submitted in respect of ecology, drainage and flood risk clarification.
13. There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 16/02127/IPM, relating to:
  - Community Facility delivery
  - Contribution towards Sports Facilities, including provision towards Sports pitches and pavilion
  - Open Space provision and maintenance

- Compensatory Tree planting
- Public Transport movement
- Affordable Housing
- Structure Planting delivery.

A copy is available to view on the Council's [Public Access portal](#).

DRAFT