

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 2 August 2017 at 10.00am.

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, E Drysdale, T Gray, I James, R McCall, R Watters and W Wilson.

In Attendance: N Brian, A Condliffe, A Belford, D Niven, D Salman, J Scott and R Stewart (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle, H Coates and A Jarvis.

Councillor M Lyle, Convener, Presiding.

. WELCOME AND APOLOGIES

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

. DECLARATIONS OF INTEREST

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

. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 5 July 2017 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear a deputation in relation to the following planning application:

Planning Application No.
17/00295/FLL

Art. No.
**(2)(ii)

. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **16/02217/FLM – CRIEFF – Erection of 102 dwellinghouses, landscaping and associated infrastructure on land at Wester Tomaknock, Crieff – Report 17/252 – G. S. Brown Construction Ltd**

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J Scott, Team Leader, advised the Committee that Paragraph 138 of Report 17/252 should read:

“A legal agreement is required to secure infrastructure that will be impacted by the proposal, in this case including:

- *Affordable Housing*
- *Open Space maintenance security*
- *Play Area provision*
- *Primary Education provision”*.

J Scott, Team Leader, requested that, should the Committee be minded to grant the application, condition 24 be updated to read *“notwithstanding the plans hereby approved”* and *“Perth and Kinross Local Development Plan 2014”*.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an updated condition 24 as undernoted:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.
3. Prior to any phase of the development hereby approved being brought into use, a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland. The RTP 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.
4. The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Planning

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- Authority, as part of an agreed delivery plan, prior to the completion of the development.
6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The approved play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
 7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter maintained to the satisfaction of the Council as Planning Authority.
 8. 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.
 9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Planning Authority for further written approval in consultation with the Council Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.
 10. Prior to the commencement of development, 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 unless otherwise agreed in writing by the Council as Planning Authority.
 11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1

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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.

12. 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, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
13. There shall be no land raising or the erection of solid boundaries within the 0.5% AP floodplain as shown on drawing number 13019/21/001A.
14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter

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- be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.
15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational, commensurate with the associated stage of the development and prior to the completion of the development.
 16. 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.
 17. The conclusions and recommended action points within the supporting biodiversity survey's submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
 18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.
 19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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20. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
21. 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.
22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Planning Authority, including full boundary treatment details (with elevations).
23. 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. This shall include a further detailed review of the elevation treatments on plots 65-76. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
24. Notwithstanding the layout and site plans hereby approved, the road layout proposed up to plot 43 and stopping short of the eastern boundary of the site is not approved. A scheme that identifies a vehicular access being provided up to the boundary to connect the application site with the remainder of site H57 as allocated within the Perth and Kinross Local Development Plan 2014 shall be submitted for written approval of the Planning Authority within 3 months of the consent hereby approved. The approved scheme shall thereafter be constructed in full in conjunction with, and no later than, 3 months of the formation of the eastern public access, bounding plots 49 and 50, being formed.

Justification

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

Procedural Notes

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed. 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 may result in the planning application being re-assessed through

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failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
 - In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding

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ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.

- A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
- 7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8. 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.
- 9. No work shall be commenced until an application for building warrant has been submitted and approved.
- 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 recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.

(2) Local Applications

- (i) 16/01251/AML – BANKFOOT – Erection of 3 dwellinghouses on land 60 metres north west of the former Masonic Hall, Dunkeld Road, Bankfoot – Mr G Fenton**

Resolved:

Grant, subject to the following terms, conditions and informatives, including updated conditions 8, 9 and 10 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. Prior to the commencement of the development hereby approved, samples of all external finishing materials shall

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- be submitted to and agreed in writing by the Council as Planning Authority. The finishing materials as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. All foul drainage from the proposed development must be connected to the existing public drainage system.
 4. Prior to the commencement of development a detailed scheme of compensatory woodland planting, including timescales for completion shall be submitted for the approval of Planning Authority in consultation with the Forestry Commission. Thereafter the approved scheme shall be implemented in full to the satisfaction of both the Planning Authority and the Forestry Commission.
 5. The detailed sustainable urban drainage system (SUDS) shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of any dwellinghouse.
 6. 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.
 7. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail.
 8. Prior to the commencement of the development hereby approved, full visibility splays of 2.4m by 43.00m shall be provided to the left and right of the access measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained to the satisfaction of the Council as Planning Authority.
 9. 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 to the satisfaction of the Council as Planning Authority.
 10. 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 to the satisfaction of the Council as Planning Authority.
 11. The removal of vegetation, including trees and shrubs shall not take place between 1st March and 31 August inclusive unless a competent ecologist has undertaken a careful and

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detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted for the approval of the Planning Authority prior to commencement of works.

12. The ground works associated with the redevelopment of the site shall be undertaken strictly in accordance with the approved plans. Upon the completion of the ground works and prior to the formation of the foundations of the proposed houses the developer shall notify the Planning Authority for the purposes of inspecting and verifying the finished ground levels.

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. 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. 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.
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 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.

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6. 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.

(ii) **17/00295/FLL – BALADO – Formation of access road, turning head, soakaway and installation of LPG tanks and associated works on land south east of Beaufield, Balado – Mr S Farish**

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

Resolved:

Refuse the application for the following reason:

1. The proposal is contrary to policy EP3B, water environment and drainage, of the Perth and Kinross Local Development Plan 2014. There has been insufficient information submitted to demonstrate that the proposal would not have an adverse impact on a private water supply which provides local homes with potable water.