

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 15 December 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson (up to and including Item 5(1)(i)), M Barnacle, E Drysdale, T Gray, D Illingworth, I James, C Purves, C Reid, R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, J Scott, A Condliffe, L MacLean, A Rennie, H Donaldson, A Belford, C Stewart, G Bissett, L Reid, C Elliott, D Williams, A Brown, M Pasternak, C Wright, B Parker and A McMeekin (all Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

### **1. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **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 18 November 2020 was submitted and approved as a correct record subject to Appendix 1 being altered to indicate that the mover of the Amendment was Councillor C Purves and not Councillor M Williamson.

### **4. DEPUTATIONS**

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

**Planning Application No.**  
20/01242/FLM  
20/00883/IPL

**Art. No.**  
5(1)(i)  
5(2)(ii)

### **5. APPLICATIONS FOR DETERMINATION**

#### **(1) Major Applications**

- (i) 20/01242/FLM – GLENFARG – Erection of an energy from waste facility including ancillary buildings, formation of vehicular access, infrastructure, landscaping, drainage and associated works, Binn Farm, Glenfarg – Report 20/243 – Binn Group Ltd**

Mr J Scott introduced the report and provided the following update:

In recommended condition 5(c) the word “alter” in the last line to instead read “alert”, and in recommended condition 16 the words “National Grid” in the third and fifth lines to instead read “national electricity grid”.

Mr S Fraser, on behalf of the applicant, addressed the Committee and answered members questions via audio conference.

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. 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.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
3. The approved Energy from Waste facility is hereby permitted to operate 24 hours a day, 7 days a week. The delivery of waste and consumables to the site shall be carried out between 0700 and 1900 Monday to Sunday only.  
Reason: In the interests of residential and environmental amenity.
4. The chimney stack hereby approved as part of this development shall not be lower than 70 metres in height.  
Reason: In the interest of environmental quality.
5. Prior to commencement of work on site, the applicant shall submit a Traffic Management Plan for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority. This plan should specify:
  - a) proposals that encourage all HGVs delivering or servicing to/from the Energy from Waste Facility to access the site via Junction 9 of the M90 and

thereafter the northern approach to the site via the A912;

- b) detailed monitoring arrangements; and
- c) a scheme for the provision of site notices at the Binn Farm access off the A912, to alert drivers to follow the preferred route.

Once approved, site delivery and servicing shall be undertaken in accordance with the approved Traffic Management Plan.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

6. All heavy commercial vehicles carrying bulk materials or waste into and out of the site during the construction, operational and decommissioning phases of development shall be covered unless the load is otherwise enclosed, except when required to inspect incoming loads of waste.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

7. Prior to the commencement of the development hereby approved, the applicant shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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) 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) for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- 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 significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

8. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures for the control of dust and noise and construction method statements, including specific measures for environmental monitoring during the construction, shall be submitted for the further written agreement of the Council Planning Authority in consultation with Environmental Health and/or SEPA.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

9. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration of the proposed development.

The ECoW shall have responsibility for the following:

- a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- b) Implementation of biodiversity improvements including retention of M27 priority habitat for use elsewhere within the site.
- c) Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
- d) Authority to stop operations or to alter construction methods should there be any works occurring

which are having an adverse impact on the natural heritage.

- e) Prior to the commencement of development, they shall provide an environmental/ecological tool box talk for construction staff.
- f) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- g) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- h) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- i) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of 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 the earlier.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

11. All external lighting shall be sufficiently screened and aligned 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.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

12. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

13. The conclusions and recommended action points within the supporting Invasive Species Report submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

14. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. 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 prior to the bringing into use of the development.

Reason: To ensure the provision of effective drainage for the site.

15. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which implemented for the 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.

Reason: To ensure the provision of effective drainage for the site.

16. Prior to the acceptance of any waste for treatment at the facility the operator shall have written permission from the relevant competent authority to export electricity to the national electricity grid and have a physical connection in place such that power generated for export can be sent to the national electricity grid from the commencement of operations.

Reason: To ensure onward grid connection.

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person 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 planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be

aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
[https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood\\_Risk\\_and\\_FRA\\_-\\_June\\_2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)
6. 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/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.
8. 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 Environment Protection Agency.
9. The site will be regulated by SEPA under the Pollution Prevention and Control (PPC) Regulations. As such the applicant will require to apply to SEPA for a permit to operate under these Regulations.
10. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
11. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or



screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

12. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site.  
See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).
13. No work shall be commenced until an application for building warrant has been submitted and approved.

### **Environmental Impact Assessment (EIA) Decision**

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The application submitted an EIA Report dated August 2020. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.

The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:

- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport
- Scheduled Monument of Balvaird Castle

The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Woodland Planting and Landscaping
- Assessment of visual impact on Scheduled Monument
- Construction and Environment Management Plan (CEMP)
- Construction Traffic Management Scheme (CTMS)
- Travel Plan
- SUDs
- Air Quality Assessment
- Noise Assessment
- Habitat Assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15 as set out herein, the proposal is acceptable and can be approved.

COUNCILLOR H ANDERSON LEFT THE MEETING AT THIS POINT.

- (ii) **20/01513/AMM - AUCHTERARDER - Erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139), land south of Benton Road, Auchterarder – Report 20/244 – Stewart Milne Homes**

**Resolved:**

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

**Conditions**

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

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

2. 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.

Reason: In the interests of public health and to prevent noise pollution.

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 to the satisfaction of the Council as Planning Authority, 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.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to ensure the satisfactory implementation of the proposed planting scheme.

4. 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.

Reason: To ensure the provision of effective drainage for the site.

5. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental

sustainability and in accordance with Policy 32 of Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **Justification**

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

### **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 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 is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/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.
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.

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 [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
8. 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.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is continued to be encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspaces. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership. Further guidance is available on <https://www.hedgehogstreet.org/>
11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

## **(2) Local Applications**

- (i) **20/00505/FLL - PERTH - Erection of 49 dwellinghouses and associated works (LDP2 allocated site E340), land to the west of Cherrybank Gardens, Perth – Report 20/245 – The John Dewar Lamberkin Trust/CPL/Bellway Homes**

### **Motion (Councillors R McCall and I James)**

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

#### **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.**

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

- 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 and to the satisfaction of the Planning Authority.

**Reason:** In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

- 3.** Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development to the satisfaction of the Council as Planning Authority.

**Reason:** In the interest of pedestrian safety.

- 4.** Prior to the commencement of development, authorised by this permission, a landscape strategy and plan addressing the following shall be submitted for the further approval of this Planning Authority;
- a detailed planting scheme of the northern embankment (off-site), and
  - a detailed plan including planting associated to the path connection with Phase 3 and the Broxden Park and Ride (off-site)

The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted, as well as paths and hard landscaping elements, and the scheme as subsequently approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species and maintained 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 suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

5. Prior to commencement of development, an updated and detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and 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 approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.  
Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.
6. For the duration of all construction activities, where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: 'Trees in relation to construction, demolition and construction. Recommendations'.  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
7. 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.  
Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.
8. The occupation of the first dwelling hereby approved shall not occur until the proposed off-site footpath connection linking this site to both Phase 3 of the 'Charlotte Gate' residential development and the Broxden Park and Ride site, as shown in drawing

number 20/00505/33 and 20/00505/35, has been delivered to the satisfaction of the Planning Authority.

Reason: In the interest of sustainable transport.

9. The occupation of the first dwelling hereby approved shall not occur until the proposed off-site land embankment along the northern boundary, as shown in drawing number 20/00505/33 and 20/00505/34, is completed to satisfaction of the Planning Authority.

Reason: In the interest of structural integrity and visual amenity.

10. Within the development hereby approved, 25% of two storey-dwellings shall contain a bird nesting brick or box. Prior to the commencement of development hereby approved, details a scheme that details the location and specification of the bird nesting bricks or boxes; bat bricks, boxes or tubes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interest of enhancement of biodiversity.

11. Prior to the occupation of Plots 418 to 431 (inclusive), a 1.8-metre-high acoustic barrier shall be installed along the southern boundary of the gardens adjacent to these plots to accord with the fencing scheme and specifications set out in Figure 6 of the approved Noise Impact Assessment (document reference 'AS0788 Broxden Noise rev04' dated 21 October 2020) and drawing number 20/00505/32.

Reason: In the interests of residential and environmental amenity.

12. Prior to the occupation of Plots 401 to 411 (inclusive), a 1.8-metre-high acoustic barrier shall be installed along the northern boundary of the gardens adjacent to these plots to accord with the fencing scheme and specifications set out in Figure 6 of the approved Noise Impact Assessment (document reference 'AS0788 Broxden Noise rev04' dated 21 October 2020) and drawing number 20/00505/32.

Reason: In the interests of residential and environmental amenity.

13. Prior to the occupation of the relevant houses, acoustic glazing with a sound reduction index of 33dB  $R_w$  and a trickle vent reduction index of 35dB  $D_{n,e}$  shall be installed in all ground floor and first floor habitable room windows on the most exposed elevation of dwellings within the plots as detailed in



Figures 5.1 and 5.2 of the approved Noise Impact Assessment (document reference 'AS0788 Broxden Noise rev04' dated 21 October 2020) and drawing number 20/00505/32. The glazing and trickle vents as installed shall be retained.

Reason: In the interests of residential and environmental amenity.

14. Prior to commencement of the development, a detailed Construction Management Plan (CMP) detailing mitigation measures for dust and noise controls and specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved CMP shall be fully respected and adhered to through the construction phase of the development.

Reason: In the interests of residential and environmental amenity.

15. The discharge of any surface water drainage shall be limited to a greenfield betterment runoff rate of 50%. All discharge rates shall be agreed in writing with the Planning Authority, in consultation with the Flood Risk Team, prior to the commencement of works on site and thereafter implemented to the agreed rate.

Reason: To reduce flood risk.

16. No works shall take place within 10m of any flood apparatus constructed as part of the Perth Flood Prevention Scheme without the prior written approval of the Perth & Kinross Flooding Team.

Reason: Maintain the integrity of the Perth Flood Prevention Scheme defences.

17. Prior to the completion of the development, Watercourses 1, 2 and 3 (as referred to in the Flood Risk Assessment dated 2 August 2012 KC485) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with LDP2.

18. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of

**SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.**

**Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.**

- 19. Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.**

**Reason: In the Interest of vehicle and pedestrian safety and in accordance with the drainage policies of LDP2.**

#### **Justification**

**There are material considerations that result in a recommendation to depart from the approved Development Plan.**

#### **Procedural Notes**

**Decision should not be issued until after the developer contributions are paid.**

#### **Informatives**

- 1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent 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 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. The applicant is advised that to enable any remaining negative suspensive conditions associated with the 20/00505/FLL planning approval to be fulfilled development may have to**

be undertaken outwith the application site. These works themselves may require the submission of a planning application.

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 Environment Protection Agency.
6. 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.
7. 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, 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. The applicant is advised that the works are likely to 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).
10. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
11. Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. There are records of hedgehogs in the area and the urban

habitat and gardens will provide a suitable resource for hedgehogs. Commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.

12. Developer should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
13. The developer should contact the Community Waste Team to discuss bin collections as the site progresses.
14. The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard-standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.
15. All domestic properties require an appropriate storage area for a minimum of 3 bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Amendment (Councillors W Wilson and E Drysdale)

Defer the application, to allow for additional information to be brought forward to a future meeting of the Planning and Development Management Committee, with regards to:

1. The inspection of the wet ponds following recent flood events;
2. Scottish Water infrastructure and the effect of the proposal on that;
3. SEPA's position on flooding and the extent to which recent flood events have been taken into account; and
4. Recent flood events and the mitigation measures of the proposal.

In accordance with Standing Order 58, a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors B Brawn, T Gray, D Illingworth, I James, R McCall and M Williamson.

6 members voted for the Amendment as follows:

Councillors M Barnacle, E Drysdale, C Purves, C Reid, R Watters and W Wilson.

In terms of Standing Order 56 the convener took the casting vote in favour of the Motion.

**Resolved:**

In accordance with the Motion.

- (ii) **20/00883/IPL - COUPAR ANGUS - Renewal of planning permission 17/00958/IPL (residential development) (in principle), land to the west of Highfield, Beech Hill Road, Coupar Angus – Report 20/246 – Mr W Abernethy**

Mr D Roche, objector, addressed the Committee and answered members questions via audio conference.

**Resolved:**

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

**Conditions**

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.  
Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
2. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.  
Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.
3. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019),

or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

4. Further to Condition 1 above, 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.

Reason: In the interest of road and pedestrian safety.

5. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In order to comply with the Scottish Planning Policy.

### **Justification**

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

### **Informatives**

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final

approval of matters specified in conditions, whichever is later.

2. The applicant should be fully aware of the comments and recommendations made by Transport Planning in their memorandum dated 4 August 2020.

### **5(3) Proposal of Application Notice (PAN)**

- (i) **20/00009/PAN - PERTH - Proposed employment/business park (use classes 4, 5 and 6) and associated works, land north of Thomson Landscapes, Inchcape Place, Perth – Report 20/247**

Councillor Wilson requested that consideration be given to road traffic matters, with particular reference to heavy goods vehicles during the construction phase, roads, and access. Councillor Wilson further requested that consideration be given to landscaping of the site, and drainage and flooding matters.

Councillor Drysdale requested that, at application stage, North Muirton Community Council be consulted.

The contents of the Head of Planning Development's Report were noted.