

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 7 April 2021 at 10.00am.

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

In Attendance: D Littlejohn, K Smith, A Condliffe, B Cargill, H Donaldson, H Hope (for Item 5(2)(ii) only), L MacLean, F McGowan (for Item 5(2)(ii) only), L Reid and R Stewart (all Communities Service); G Fogg, D Williams, A Brown, K Molley, B Parker and C Wright (all Corporate and Democratic Services).

Apologies: Councillors 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 9 March 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 application:

Planning Application No.
20/01967/FLL

Art. No.
5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 20/00511/AMM - ALYTH - Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping, and associated works (Phase 2 and 3) (Approval of Matters Specified in Conditions of 16/01595/IPM), land 200**

**metres north of Pitcrocknie Farmhouse, Alyth – Report 21/43 –
Glenisla Developments Ltd**

Prior to consideration of the application, K Smith provided the following update:

Page 39 – Para 82, where the contribution figure is quoted as £206,250, this should read £158,125.

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 interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2 2019.
3. Prior to the commencement of development for either Phase 2 or 3 hereby approved an updated Air Quality Assessment shall be submitted to, and approved in writing by, the Planning Authority. The assessment shall include the cumulative effects of any prior phase emissions and the approved energy centre.
Reason: In the interests of residential amenity
4. All plant and 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 20 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 residential amenity.
5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.
Reason: In the interests of residential amenity.
6. 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, 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: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. Prior to the commencement of the development hereby approved, protective fencing shall continue to be erected around SM1575 Pitcrocknie Stone as agreed with the Council as Planning Authority and Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority.

Reason: To ensure the preservation of the historic environment.

8. Any trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

9. Prior to the commencement of development, a detailed planting scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full.

Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as 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 approved/planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area

10. All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

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 may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day. 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).
12. 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 Council as Planning Authority, in advance of works during the restricted period. 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).
13. All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA, prior to their implementation. The crossings shall be delivered in accordance with the approved scheme. Reason: In order to take account of the flood risk from the adjacent watercourse.
14. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 2 and 3 shall be submitted to, and agreed in writing by, the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme. Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
15. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written

agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:

- (a) details of any new construction compound;
- (b) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (c) 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;
- (d) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (e) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (f) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (g) 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;
- (h) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (i) 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;
- (j) details of information signs to inform other road users of construction traffic;
- (k) arrangements to ensure that access for emergency service vehicles are not impeded;
- (l) co-ordination with other significant developments known to use roads affected by construction traffic;
- (m) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (n) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (o) monitoring, reporting and implementation arrangements;
- (p) arrangements for dealing with non-compliance; and
- (q) 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 interest of proper site management and to protect the amenity of the area.

16. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted

to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods;
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound;
- (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

Justification

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

Procedural Notes

A Section 75 is required to deal with a financial contribution towards affordable housing. Consent shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

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. 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 developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
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 applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they 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 (SEPA).
8. 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.
9. 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.
10. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and

access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.

11. For future development phases of the masterplan and In Principle approval, there will be no structures within 72 metres of the stone to the south (Phase 4).
12. For future development phases of the masterplan and In Principle approval, no structures within Phase 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
13. 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.
14. There is a Section 75 legal obligation associated with planning permission for Phase 1 (18/01214/AMM), which relates to affordable housing, bus provision and core path upgrade. A copy is available to view on the Council's [Public Access portal](#). Written agreement on bus provision measures are required prior to commencement of development of Phase 2 and 3.

(2) Local Applications

- (i) **20/01830/FLL - KINNAIRD - Erection of a dwellinghouse, land east of Robinhill, Kinnaird, Inchtute – Report 21/44 – Mr E Findlay**

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. 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 completion or bringing into use of the development, whichever is the earlier.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. Prior to the commencement of development, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning

Authority. The plan shall include details of proposed hard and soft landscaping. The approved details shall be implemented in full 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.

4. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

5. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason: To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

6. Prior to 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.

7. 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 20 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 order to safeguard the neighbouring residential amenity in the area.

8. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

Reason: In the interests of pedestrian and traffic safety.

9. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason: In the interests of pedestrian and traffic safety.

10. Prior to the commencement of development, a plan showing details of the upgrading of the access track shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full 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.

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. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for

the contributions the application may be refused under delegated powers without any further discussion with the applicant.

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 should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
8. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. 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.

9. 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. 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.
10. There is a Section 75 legal obligation associated with this site, which relates to developer contributions for primary education provision. The applicant should seek clarification as to whether this agreement is applicable to this application or will require to be modified or re-written.

COUNCILLOR M WILLIAMSON LOST INTERNET CONNECTION DURING CONSIDERATION OF THE FOLLOWING ITEM AND LEFT THE MEETING.

- (ii) **20/01967/FLL - PITLOCHRY - Change of use and alterations to carpark to site 2 railway carriages to form restaurant/takeaway (class 3), formation of raised decking area and associated works, land south of Walker Court, Rei-Achan Road, Pitlochry – Report 21/45 – Mr, Mrs And Ms F, I And M McCallum**

Mrs I McCallum, applicant and Ms J Shepherd, agent, followed by Councillors J Duff and X McDade, addressed the Committee and answered members questions.

Motion (Councillors W Wilson and T Gray)

Refuse, in accordance with the reasons outlined in Report 21/45.

Amendment (Councillors C Purves and M Barnacle)

Grant the application, subject to the applicant entering into a legal agreement to contribute to alternative parking elsewhere in the town and to compensate for the loss of parking bays as a consequence of the development.

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

5 members voted for the Motion as follows:

Councillors B Brawn, T Gray, R McCall, R Watters and W Wilson.

7 members voted for the Amendment as follows:

Councillors C Ahern, M Barnacle, D Illingworth, I James,
T McEwan, C Purves and L Simpson.

Resolved:

In accordance with the Amendment.

DRAFT