

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 26 September 2018 at 10.00am.

Present: Councillors R McCall, M Barnacle, B Brawn, H Anderson, B Band, D Doogan (substituting for Councillor T Gray), E Drysdale, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, A Belford, L Reid and D Salman (all Housing and Environment); C Elliott, D Williams and S Richards (Corporate and Democratic Services).

Apologies: Councillors H Coates, T Gray and I James.

Councillor R McCall, Convener, Presiding.

### **518. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **519. DECLARATIONS OF INTEREST**

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

### **520. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 29 August 2018 (Arts. 468-472) was submitted, approved as a correct record and authorised for signature.

### **521. DEPUTATIONS**

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

**Planning Application No.**  
18/01185/FLL  
18/01191/FLL

**Art. No.**  
522(1)(ii)  
522(1)(iii)

**522. APPLICATIONS FOR DETERMINATION**

**(1) Local Applications**

- (i) 18/00595/FLL - PITLOCHRY - Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, Westlands Hotel, 160 Atholl Road, Pitlochry, PH16 5AR – Report 18/294 – Westlands Hotel**

**Resolved:**

**Grant**, subject to the following terms, 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 any works on site, 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. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.  
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Council as Planning Authority
4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme

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for the site shall be submitted for the further 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.  
Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of protecting environmental quality and of biodiversity.

6. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the accommodation hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

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 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 order to safeguard the neighbouring residential amenity in the area.

8. The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished.

Thereafter the proposed staff accommodation at the rear

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of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.

Reason - In order to control and restrict the use of the building.

**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. For information, foul flows only will be allowed to discharge to the public drainage system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

**(ii) 18/01185/FLL - GUAY - Erection of 2 holiday accommodation units and 3 camping pods, Tay View Lodges, Guay – Report 18/295 – Mr D Morton**

Mr Morton, applicant, address the Committee, and, following his representation, withdrew to the public gallery.

**Resolved:**

**Grant**, subject to the following terms, 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. The development hereby approved comprising the two lodges and three camping pods, shall be used solely for holiday accommodation and shall not be used as the sole or main residence of any occupant with the exception of the lodge located to the west of the site (Lodge Type 2) which can also be used as permanent staff accommodation by a person employed in the associated business or a family member of such a person residing with him or her.  
Reason – In order to clarify the terms of the permission; to control and restrict the use of the buildings.
3. Prior to the commencement of the development hereby approved, details of the proposed parking area and track within the site shall be submitted for the further 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 – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

**Justification**

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

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**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. An application for Building Warrant may be required.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>
6. The applicant is advised that the pods and possibly the lodges (depending on the construction and size) will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It would therefore be necessary for a caravan site licence to be obtained for the site before the pods are first brought into use and the site would need to comply with the caravan model standards for holiday use. The applicant should seek further advice from the Council on whether the lodges would also need to be licenced in terms of the Caravan Sites and Control of Development Act 1960.
7. The stove(s) should be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer.

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**(iii) 18/01191/FLL – BLACKFORD – Alterations and extension to rail yard, including associated works (revised design and layout and addition of welfare cabin), Yard, Moray Street, Blackford – Report 18/296 – Highland Spring Group**

Mr J Scott provided the following information:(i) in paragraph 2 on page 64 the name of the road is incorrectly referred to as B801 but is correctly referred to as B8081 in the rest of the Report, and (ii) Condition 19 should be amended to add “to the satisfaction of the Council as Planning Authority”.

Mr Montgomery, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, 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 external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land, woodland or watercourses and that light spillage beyond the boundaries of the site is minimised. No illumination of the site is permitted out with the operational hours outlined in condition 3 of this consent.  
Reason – In order to safeguard the residential amenity of the area.
3. The hours of operation of the site and all associated operations shall be strictly limited to 07:00 to 22:00 Monday to Friday and 08:00 to 17:00 either Saturday or Sunday in any given week, other than between 06:00 and 07:00 Monday to Friday and between 07:00 and 08:00 on either Saturday or Sunday in any given week, where one train is permitted to access the site for the purpose of decoupling and parking.  
Reason – In order to safeguard the residential amenity of the area.
4. Noise levels shall be limited to 44dB LAeq 1 hour at any residential property when measured in accordance with BS4142:2014 to the satisfaction of the Council as Planning Authority between 07:00 and 22:00. Between

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06:00 to 07:00 Monday to Friday noise levels attributed to the operation of train arrival shall be limited to 42dB LAeq15mins at any residential property when measured and corrected as necessary in line with BS4142:2014.

Reason – In order to safeguard the residential amenity of the area.

5. No part of the authorised development may be brought into use until a written scheme has been submitted to and approved in writing by the Council as Planning Authority for the monitoring of noise generated during the operational phase of the development. The scheme must specify the location from where noise will be monitored, the method of noise measurement and identify maximum noise levels appropriate to each location in accordance with the wording of condition 4 above. The monitoring programme as agreed in writing will be subject to annual review to establish the frequency of noise monitoring and the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 4 above, all operations on site shall cease until a scheme of mitigation has been submitted to and agreed in writing with the Planning Authority. The mitigation measures, as agreed, shall be implemented on site to the satisfaction of the Planning Authority. Testing of the crane prior to operations commencing is permitted subject to prior written agreement with the Planning Authority.

Reason – In order to safeguard the residential amenity of the area.

6. In the event that justified complaints for noise nuisance are received by the Council the applicant, unless otherwise agreed within the Planning Authority, at its own expense, shall employ a consultant approved by the Planning Authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment will be carried out to an appropriate methodology agreed within the Planning Authority and the results of the assessment will be submitted to the Planning Authority within 28 days of the assessment. Those results must include a comparison of measured data with the requirements of the above conditions and all data which was collected in the Noise Impact Assessment associated with this application. The results of these assessments shall feed into the monitoring and mitigation referred to in condition 5 above.

Reason – In order to safeguard the residential amenity of the area.

7. Prior to the crane being brought into use, full details of the enclosure of the crane plant equipment shall be



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submitted to and approved in writing by the Council as Planning Authority. This shall be based upon the details included within the Noise Assessment dated 22 January 2016 submitted with application 15/01637/FLL (ref: 15/01637/45) and shall ensure that the level of noise mitigation offered is met. The details as approved in writing shall be implemented as part of the site development and put in place prior to the operational use of the crane.

Reason – In order to safeguard the residential amenity of the area.

8. The acoustic barrier outlined within Noise Assessment dated June 2018 (ref: 18/01191/34) and outlined on the site plan (18/01191/2) shall be installed in its entirety prior to the commencement of any operations on site and retained to the satisfaction of the Council as Planning Authority. The fence shall be coloured olive green to match the crane and shall provide a continuous acoustic barrier along the southern boundary of the site to the satisfaction of the Council as Planning Authority.

Reason – In order to safeguard the residential amenity of the area.

9. No audible alarms are permitted for use on the site.

Reason – In order to safeguard the residential amenity of the area.

10. Prior to the commencement of any operations on site, a noise management plan shall be submitted to, and approved in writing by, the Council as Planning Authority to minimise the impact of noise on local receptors.

Thereafter, details and mitigation outlined in the noise management plan as approved shall be implemented on site in full.

Reason – In order to safeguard the residential amenity of the area.

11. All containers on the site shall be stacked at a maximum of 2 in height 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.

12. Prior to the commencement of any development, final details of the compensatory storage and channel alteration to be undertaken to replace the volume of floodplain lost as outlined in JBA Consulting Flood Risk Assessment dated June 2018 (or any updated Flood Risk Assessment approved in writing by the Planning Authority and SEPA) shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.

The details, as approved in writing, shall be implemented as part of the site development and completed in full prior

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to the development being brought into use. The compensatory storage and channel alteration measures shall be retained in perpetuity.

Reason – In order to provide mitigation for development on the site and ensure appropriate compensatory storage for flood water is provided in accordance with national, regional and local policy.

13. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a. Restriction of construction traffic to approved routes 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. 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;
  - g. Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - h. Arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - i. Details of information signs to inform other road users of construction traffic;
  - j. Arrangements to ensure that access for emergency service vehicles are not impeded;
  - k. Co-ordination with other major commercial users known to use roads affected by construction traffic;
  - l. Traffic arrangements in the immediate vicinity of temporary construction compounds;
  - m. The provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;

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- 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 all to the satisfaction of the Council as Planning Authority.

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

14. Prior to commencement of development, a Construction Method Statement (CMS) detailing environmental mitigation measures including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority. This document shall take full account of the mitigation measures outlined in the Ecology Survey (ref: 18/01191/33). The CMS shall also include a detailed Dust Management Strategy which should identify activities which have the potential to generate dust and propose appropriate mitigation measures to ensure nuisance conditions do not occur at sensitive receptors. The CMS, as approved, shall be strictly adhered to during construction of the scheme.
- Reason – In order to protect the environment during construction operations.

15. Prior to the commencement of any operations on site a fully detailed Operational Traffic Management Plan shall be submitted to, and approved in writing by, the Planning Authority. This document shall include full details of how the site is intended to be operated taking into account the conditions and restrictions outlined within the consent hereby granted. It shall also provide full details as to how any small scale third party use of the site is to be implemented to minimise impact on the local community and control the amount of third party vehicles entering and leaving the site. The submission shall demonstrate that consultation with the local community has been undertaken in preparation of this plan and shall fully detail the outcome of this consultation process to demonstrate how matters raised by the local community are reflected within the plan. This operational plan shall be a fluid document which shall be updated to reflect any changes to the operation of the site, as determined by the Council as Planning Authority, and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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Reason – In the interests of residential amenity, pedestrian and traffic safety and to ensure the Council retains control over the operation, growth and third party use of the site.

16. 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.

17. No part of the development shall be brought in to use until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council, as Planning Authority. The TP 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.

Reason – To encourage the use of sustainable modes of transport.

18. The landscaping and planting scheme indicated in approved documents 18/01191/3 and 39 shall be undertaken and implemented within the first planting season following completion of the development and maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity to ensure that adequate screening and landscaping containment for the development site is provided. To ensure that the partial loss of an area of designated open space is compensated for.

19. 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.

20. Prior to the commencement of development where works would preclude the use of Core Path (BLFD/3) and asserted Right of Way (29/3), a detailed plan and phasing proposal for the diversion works to the core path and asserted right of way shall be submitted to and approved in writing by the Planning Authority. The plan(s) shall fully detail the temporary arrangements, timescales and proposals for the diversion work to ensure that continued

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access to the adjacent core paths across the railway are provided both during construction and operation of the site, until a suitable alternative route is available. The detailed plan(s) shall also include a full specification of the temporary path, associated fencing and signage to ensure that the specification of any temporary path, associated fencing and signage shall ensure that the specification shall be of an equivalent standard to the core path/right of way. The details, as approved in writing, shall be implemented as part of the development site and completed to the satisfaction of the Planning Authority prior to the site being brought into use.

Reason – To ensure continued public access along the core path/right of way and to ensure appropriate diversion routes are in place.

21. Upon commencement of use of the development hereby approved, the maximum number of containers to be both imported and exported by rail from site shall not exceed 68 daily.

Reason – In order to ensure control over the future growth of the site and in the interests of residential amenity and pedestrian and traffic safety.

22. All containers on the site under the direct control of the applicants shall be of a dark recessive colour, to the satisfaction of this council as Planning Authority.

Reason – In the interests of visual amenity and in order to limit the visual impact of the proposed containers and provide a better relationship to the background landscape.

23. A pre-development otter survey shall be undertaken to re-check the survey work undertaken and submitted with the application. This should ensure that there is no destruction of holts; no construction works are closer than 30m from an otter holt and no natal holts have been identified. If any of the above are found, the applicant will require a European Protected Species License from Scottish Natural Heritage (SNH). If any otter holts are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval in consultation with SNH. The mitigation measures, as approved shall be strictly adhered to during the development of the site.

Reason – To ensure the protection of otters on and around the site.

24. A pre-development survey of nesting and breeding birds shall be undertaken to establish if any nesting or breeding birds are present on site. If any nests are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval. The mitigation

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measures, as approved shall be strictly adhered to during the development of the site.

Reason – To ensure the protection of nesting and breeding birds.

25. All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

Reason – In order to prevent animals being trapped in open excavations.

26. The shunt vehicles between the development site and the adjacent Highland Spring factory shall be low emission, low noise vehicles and details of the exact type of vehicle to be used shall be submitted to, and approved in writing by, the Planning Authority. The details, as approved, shall be implemented as part of the site development and maintained thereafter, unless otherwise agreed in writing by this council as planning authority.

Reason – To reduce carbon emissions, meet Scottish Government targets and in the interest of residential amenity and to protect the amenity of Blackford Primary School.

27. All retained trees on the site and surrounding the site shall be protected during construction operations in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction". The protection scheme shall be installed immediately unless phasing has been proposed and approved. The approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until completion of the entire development. 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 – In order to protect retained trees on and around the application site.

28. Prior to the commencement of any development full design details of the proposed Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details as approved shall be implemented on site as part of the site development and maintained in perpetuity. The SUDS design shall meet the requirement of the Simple Index Approach in the CIRIA SUDS manual (C753 2015).

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Reason – To ensure adequate provision of surface water drainage on the site.

**Justification**

The proposal fails to accord with the Development Plan but there are considered to be sufficient material considerations apparent to justify a departure from the Development Plan in this instance.

**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. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish

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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.

8. The developer should be aware of the regulatory requirements outlined in SEPA's consultation response dated 27 August 2018.
9. The diversion of the footpath required at the western end of the site will require a formal Diversion Order. The developer shall make contact with the Council's Countryside Access Officer to discuss this requirement and all requirements of the diversion order shall be in place prior to works commencing on the diversion.

**(iv) 18/01215/FLL - PITLOCHRY - Erection of a dwellinghouse, land north west of Corbie Lynn, Dysart Brae, Pitlochry – Report 18/297 – Mr C Stewart**

Mr D Niven advised that, if the Committee were to approve the application, Informative 11 is a repeat of Informative 5 and should be deleted.

**Resolved:**

**Grant**, subject to the following terms, 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 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, of Type B Road construction detail.  
Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
3. 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'.



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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 – In order to protect the existing trees on and adjacent to the site.

**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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

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6. 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.
7. The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
8. 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)
9. 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.
10. The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.

**(2) Proposal of Application Notice (PAN)**

- (i) 18/00008/PAN – RATTRAY – Residential development, landscaping and associated works, land to the east of Honeberry Crescent, Rattray – Report 18/298**

Councillor McCall highlighted that concerns of local residents regarding the impact of traffic had been raised with Development Management.

Councillor Drysdale requested that the wider impact of aggregate traffic including in relation to Perth City and Bridgend in particular.

Members noted the issues identified by the Interim Development Quality Manager's report.

- (ii) 18/00009/PAN – AUCHTERARDER – Minerals extraction and processing activities (in part retrospect), including**

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**reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works, land south west of Arns Farm, Auchterarder – Report 18/299**

Members noted the issues identified by the Interim Development Quality Manager's report.

- (iii) **18/00010/PAN – PERTH – Demolition and erection of a sheltered accommodation building with facilitated care including restaurant, parking, landscaping and associated works parking, landscaping and associated works, The Atrium, 137 Glover Street, Perth – Report 18/300**

Councillor Wilson highlighted that the exit of the car park at The Atrium also serves as the exit for the neighbouring GP surgery, and requested that a solution was sought in this regard. Councillor Wilson also suggested the heavy traffic on Glover Street be considered.

Members noted the issues identified by the Interim Development Quality Manager's report.

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