

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 20 October 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, R Brock, D Illingworth, I James, T McEwan, R Watters and W Wilson.

In Attendance: K Smith, A Condliffe, J Scott, L Reid, R Stewart and L MacLean (all Communities); G Fogg, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors T Gray, C Reid and M Williamson.

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 of 22 September 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

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

Planning Application No.	Item No.
21/00940/FLL	5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **21/00746/FLM - S42 application to modify condition 7 (open space and parkland) of permission 17/00886/FLM, land 300 metres northwest of Lathro Farm, Kinross - Report 21/187 - Persimmon Homes North Scotland**

Resolved:

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

Conditions

General

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. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings, namely plot numbers: 29-32, 37-40, 55-58, 93-96, 104-107, 119-122, 138-141, of the approved Site Layout Plan.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of individual plots.

Environmental Construction Measures

3. In accordance with the Construction Environment Management Plan (CEMP) approved under the extant permissions (application references: 17/00886/FLM, 17/00893/FLL), no development, including earth movement, shall take place or material or machinery brought on site until protective fencing and warning signs are erected on site. All protective fencing and warning signs shall be maintained during the construction period.

Reason: In the interest of natural heritage.

4. The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

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

Public Open Space and Biodiversity

5. All landscape maintenance measures shall be carried out in accordance with the details contained in the approved landscape plans under the extant permissions (application references: 17/00886/FLM, 17/00893/FLL).

Reason: In the interest of natural heritage.

6. The areas of public open space and parkland indicated on the approved plans, together with the associated hard and soft landscaping and planting (Plans 02 & 03), shall be undertaken and planted in accordance with the open space standards of the Planning Authority and completed within the next available planting season, unless otherwise agreed in writing with the Planning Authority.

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 reserve the rights of the Planning Authority.

7. Within three months of this decision, the agreed temporary children's play area to be situated within Phase 1 shall be implemented. The play area and its facilities/equipment shall thereafter be maintained by the applicant until the permanent play area has been delivered and handed over within Phase 2 (by the 100th dwelling). Within 3 months of the temporary play area ceasing to be required, the affected land accommodating the temporary play area shall be fully returned to the agreed landscape specification subject of this application, all to the satisfaction of the Council as Planning Authority. Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a local children's play area.

8. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks. 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. Any external lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

Reason: To adequately protect species habitat.

10. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

Flooding and Drainage

11. The developer shall ensure that during the construction of the development, all surface water is controlled, treated and discharged under the principles of Sustainable Urban Drainage (SUDs) all to the satisfaction of the Council as Flood Authority.

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

12. In association with condition 6, and for the avoidance of doubt, the minimum soffit level of all water crossing pedestrian bridges shall be those as agreed in writing by Perth and Kinross Councils Flooding Team.

Reason: To reduce the risk of flooding.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 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 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for the amending of street lighting provision to accommodate proposed changes.
 6. There is a continued requirement for a Section 75 legal obligation covering the wider site, which includes Open Space provision and maintenance. A copy is available to view on the Council's [Public Access portal](#).

(ii) 21/00752/IPM - Proposed employment/business park (use classes 4, 5 and 6) and associated works (LDP site E3) (in principle), land 200 metres north of Thomson Landscapes, Inchcape Place, Perth - Report 21/188 - Perth And Kinross Council

Resolved:

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

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (21/00752/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years. All applications for Approval of Matters Specified in Conditions shall therefore be made not later than 6 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc. (Scotland) Act 2006. This is an application in principle which in view of the speculative nature of the proposed development in the current economic climate, this extended period remains appropriate.

Conditions

General

1. Plans and particulars of the matters set out in the subsequent conditions shall be submitted for consideration and approval by the Planning Authority as specified below and the development shall be carried out in accordance with those approvals.

Reason: To ensure that the matters referred to are given full consideration and accord with the requirements of

Regulations 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

2. No works in connection with the development site hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'approval of matters specified by condition') have been submitted to and approved in writing by the Planning Authority for each application for the approval of matters specified. The specified matters include:
- (i) details of any cut and fill operations required;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of any development parcel, relative to existing ground levels and a fixed datum point;
 - (iii) the siting, design, height, and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, and cycleways within the identified Employment land;
 - (v) details of any screen walls/fencing and external lighting to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means; and
 - (vii) details of all landscaping, planting, and screening associated with the development parcels of the identified Employment land;
 - (viii) full details of the proposed means of disposal of foul and surface water from each development parcel/s of the identified Employment land;

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.

3. In pursuance of Condition 2 (iv), each application for Approval of Matters Specified by Condition application shall ensure the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. In pursuance of Condition 3, no part of the development for the Approval of Matters Specified by Condition shall be occupied and operational until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable travel modes.

5. In association with Conditions 3 and 6, each Approval of Matters Specified by Condition (AMSC) application shall ensure Core path NMUR/104 is not obstructed, either during construction or on completion.

Reason: In the interests of ensuring continued public access and encouraging sustainable means of travel.

Construction and Amenity

6. Alongside each application for Approval of Matters Specified by Condition (AMSC) and prior to commencement of the associated phase of development, a Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction shall be submitted for the written agreement of the Council as Planning Authority. The CEMP shall include A Dust Management Plan (DMP), a Noise Management Plan (NMP) which should include procedures/mitigation measures to control/reduce the impact from all activities during the construction phase that have the potential to produce noise and dust emissions and Construction Traffic Management Plan (CTMP). The DMP shall include dust monitoring, in line with IAQM guidance. The DMP and NMP and mitigations as agreed, shall be fully implemented for the duration of the construction phase.

Reason: In the interest of protecting environmental quality visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.

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 the interest of protecting environmental quality and neighbouring amenity.

8. All external lighting included within each Approval of Matters Specified by Conditions (AMSC) application in pursuance of Condition 2 (v), shall be sufficiently screened and aligned so as 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: In the interest of protecting environmental quality and neighbouring amenity.

Drainage

9. As part of any application for Approval of Matters Specified by Condition (AMSC) application and prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason: In the interests of proper site drainage and flood risk.

Landscape and Biodiversity

10. No development shall commence until the peripheral compensatory planting as agreed has been carried out in accordance with the approved scheme and completed during the planting season immediately following the commencement of the development on that part of the site, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the 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 required to be 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.

11. As part of each application for Approval of Matters Specified by Condition (AMSC) sought under Condition 2 (vii), a detailed landscaping and planting scheme for the site shall be submitted for the approval 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: To ensure a satisfactory standard of local environmental quality.

12. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be Implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

Heritage

13. 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: To safeguard and record archaeology in the area.

Energy statement

14. In support of each application for Approval of Matters Specified by Condition (AMSC), a detailed Energy Statement identifying compliance with the Perth & Kinross Local Development Plan 2019 (LDP2) Policy 32 shall be submitted to, and approved in writing by, the Planning Authority. The statement as agreed

thereafter be adhered to, implemented and operational, prior to bringing into the use of the approved phase of development

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

Waste and Recycling

15. In support of each application for the Approval of Matters Specified by Condition (AMSC), a waste management plan shall be submitted to, and approved in writing by, the Council as Planning Authority, in consultation with Perth and Kinross Council Commercial Waste Team.

Reason: To ensure that the development has appropriately addressed waste and recycling requirements with a necessary duty of care.

Developer Contributions

16. As part of each application for the Approval of Matters Specified by Condition (AMSC), the development shall be reviewed and required to accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2019 (LDP2) with regards to Transport Infrastructure.

Reason: To ensure that the development approved makes a proportionate contribution towards improvements of local transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

Justification

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

Informatives

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the Planning Authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the Planning Authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
2. As soon as practicable after the development or developments are complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

3. Display of notice: A notice must be displayed on or near the site while work is carried out. The Planning Authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
4. For information, foul flows only will be allowed to discharge to the public 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. 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.
7. The applicant should be advised that in terms of Section 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.
8. The applicant should be advised that in terms of Section 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.
9. 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.

10. Applicants are advised to refer to the Council's Community Waste Adviser memo dated 04 June 2021 in relation to guidance and requirements.
11. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with the limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

Environmental Impact Assessment (EIA) Decision

1. 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:
2. The application submitted an EIA report dated April 2021. The public had opportunity to participate in the decision-making process through notification of the EIA information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.
3. The EIA provides a baseline position, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal, scoping out least significant elements, consistent with scoping opinion recommendations.
4. The Planning Authority is satisfied that the EIA Report is up-to-date, complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report associated supporting environmental information, and recommendations from the consultation 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 set out in the suite of planning conditions.

6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

(2) Local Applications

(i) 20/01371/IPL - Residential development (in principle), land west of Berryknowe, Hatchbank, Kinross - Report 21/189 - Mrs M Hutt

Resolved:

Grant, subject to the following direction, conditions, terms 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. In pursuance of condition 1 the residential development shall consist of a single dwelling and be limited to a maximum one storey in height (but allowing accommodation in the roof space). For the avoidance of doubt, the indicative footprint and plans submitted with this application are not approved.
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
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. Details of any tree works to reduce any associated risk of tree or branch failure to the future users of the site shall be submitted to and approved in writing prior to the commencement of development and thereafter undertaken to BS3998:2010 Recommendations for Tree Work, by a qualified arborist.
Approved Tree Protection measures shall not be removed breached or altered without prior written

authorisation from the 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.

4. In pursuance of condition 1 details of the proposed boundary treatments for the site (consisting of a post and wire fence with beech hedging) 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: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

5. Prior to the commencement of development, a woodland management plan for the woodland area in control of the applicant to the west of the site shall be submitted to and agreed in writing by the Council as Planning Authority. The woodland management plan is to include provision of supplementary planting of native trees within areas where there is sufficient light, using common oak, holly, small leaved lime, hazel, field maple, and beech, (circa 120 trees) planted with proprietary tree tubes, as whips and light feathered stock, along with a maintenance schedule to include weed control, firming, and beating up, as necessary to ensure woodland establishment. The agreed planting shall be undertaken in the first available planting season (October to March) and prior to the occupation of the dwellinghouse or earlier.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

6. In pursuance of condition 1 and prior to the occupation of the development hereby approved, foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation shall be installed and thereafter retained.

Reason: To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy 46 A & B: Loch Leven Catchment Area of the Perth and Kinross Local Development Plan 2 (2019) and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

7. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer

Contributions and Affordable Housing Supplementary Guidance 2016 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 2016.

8. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1A, 1B, 3A, 3AA, 3B, 3C, 3D, 6D, 6E, 7; of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of 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. 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. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

3. Please be aware that your Planning Permission in Principle may be Invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
4. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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.
7. 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.
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. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
10. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout and the submission of further information on noise and trees.

(ii) 21/00940/FLL - Change of use and alterations from agricultural buildings to form 8 holiday accommodation units, erection of 3 holiday accommodation units, utility building, formation of access roads, car parking, drainage and associated works, West Gormack Farm, Kinloch, Blairgowrie - Report 21/190 - Mr and Mrs Gunn

Mr A Barrett, on behalf of objectors, followed by Mr R Johnston, agent and Mr G Gunn, applicant, addressed the Committee via audio conference and answered members questions.

Motion (Councillors W Wilson and M Barnacle)

Defer, for further information on the following:

- (i) Access and road safety, with specific reference to the potential of additional Passing Places on the access road.**
- (ii) The submission to the Committee of a Business Plan, and for further consideration of the economic benefits of the proposal, with the possible input from the Scottish Agricultural College.**

Amendment 1 (Councillors D Illingworth and R McCall)

Grant, subject to the conditions and informatives included in Report 21/190.

Amendment 2 (Councillors I James and B Brawn)

Refuse, on the grounds that the proposal is contrary to Local Development Plan Policies 1A, 1B(a), 8C, 8E , 8G and 60B(a).

In terms of Standing Order 21.6 a roll call vote was taken.

2 members voted in accordance with Amendment 1 as follows:
Councillors D Illingworth and R McCall.

7 members voted in accordance with Amendment 2 as follows:
Councillors M Barnacle, B Brawn, R Brock, I James, T McEwan, L Simpson and W Wilson.

1 member abstained from the vote as follows:
Councillors R Watters.

Amendment 2 became the substantive Amendment.

7 members voted in accordance with the Motion:
Councillors M Barnacle, R Brock, D Illingworth, R McCall, L Simpson, R Watters and W Wilson.

3 members voted in accordance with the Amendment:
Councillors B Brawn, I James and T McEwan.

Resolved:

In accordance with the Motion.