

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 4 July 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern (substituting for W Wilson), H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, W Robertson (substituting for L Simpson) and R Watters.

In Attendance: N Brian, D Niven, L Reid, A Rennie D Salman, J Scott and R Stewart (all Housing and Environment); L Brown, C Elliott and S Richards (Corporate and Democratic Services).

Apologies: Councillors A Jarvis, L Simpson and W Wilson.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

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

. WITHDRAWAL OF APPLICATION

The Committee noted application 17/00961/AMM, erection of 117 dwellinghouses, garages and associated works (approval of matters specified in conditions (AMSC) 10/01360/IPM) on land off Maple Place, Blairgowrie had been withdrawn from the agenda.

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 6 June 2018 (Arts.) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.
18/00540FLL

Art. No.
* 2(i)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 17/01371/MWM - ESSENDY - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 1 of planning permission PK920831 (extraction of sand and gravel), Marlee Quarry, Essendy, Blairgowrie – Report 18/227 – Laird Aggregates Ltd**

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.
2. All sand and gravel extraction within the site shall be completed within seven years of the date of this Decision Notice. All plant and machinery shall be removed from the site and the land entirely reinstated to the satisfaction of the Council as Planning Authority at the termination of operations or the expiry of the term of approval, whichever is the earlier. Termination of operations shall be assumed on the cessation of operations for a period of 6 consecutive months.
3. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted. No more than one phase shall be worked at any one time. Restoration of the land to the agreed 'after use' shall take place concurrently with extraction to the entire satisfaction of the Council as Planning Authority.
4. The rate of extraction of material from the site shall not exceed 250,000 tonnes per annum.
5. A record of the quantity, type and principal destinations of material leaving the plant shall be submitted to the Council as Planning Authority on an annual basis.
6. The vehicular access shall be maintained in accordance with Perth and Kinross Council's Road Development Guide specification Type E access detail and in line with Roads Standards for Vehicular Accesses to the satisfaction of the Council as Planning Authority.
7. The gradient of the access shall not exceed 3% for the first 10 metres measured back from the edge of the carriageway

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and the access shall be constructed so that no surface water is discharged to the public highway.

8. Turning facilities shall be maintained within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Planning Authority.
9. Full visibility splays of 4.5m x 90m shall be provided to the left and right of the access measured between points 1.05m above the road level insofar as the land is in the control of the applicant within 2 months of the date of this consent and thereafter maintained for the duration of the permission to the satisfaction of the Council as Planning Authority.
10. An updated wheel cleaning strategy shall be submitted for the approval of the Planning Authority in consultation with the Transport Planning Section within 14 days of this decision notice. Thereafter the approved wheel cleaning strategy shall be provided and maintained throughout the operation of the proposed extraction so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.
11. No working or operations shall take place outwith the hours of 7.00am – 7.00pm Monday to Saturday inclusive other than water pumping, servicing, maintenance and testing of plant. Emergency work required to maintain safe working shall be notified to the Planning Authority in writing as soon as practicable.
12. Noise from any plant and machinery associated with this development shall be so controlled that it does not exceed 10 decibels (dBA) above ambient background (L90) noise levels, at any adjacent dwellinghouse, when measurements and assessments are carried out in accordance with British standard BS4142:1990 to the satisfaction of the Council as Planning Authority.
13. A stock pile strategy for the site shall be submitted to the Planning Authority for approval within 14 days of this decision notice, this shall detail the area for stock-piling of extracted material and also the maximum height of the stockpiles. Thereafter the approved strategy shall be implemented in full throughout the duration of the development.
14. The Dust Management Strategy shall implemented in full throughout the duration of the development to the satisfaction of the Council as Planning Authority.
15. All external lighting 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.

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16. There shall be no workings nor the use of vehicles nor the dumping of spoil or other materials within 10 metres of the Mill Lade and within 30 metres of the Lunan Burn. There will be no discharge of sand, gravel, silt or other particulate matter into the Lunan Burn.
17. The operation of the silt ponds and settling beds required shall be on a closed circuit system to ensure no discharge to the water environment to the satisfaction of the Planning Authority.
18. 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.
19. The structural tree/landscape planting delineated as green blocks on the approved plans shall be retained and maintained.
20. A weed control plan to deal with all injurious weeds and invasive species on the whole application site shall be submitted to the Planning Authority for approval within 14 days of this decision notice. Thereafter the weed control plan shall be implemented in full throughout the duration of the development.
21. Topsoil shall be retained on the site and none shall be sold off or removed from the site. The working area shall be stripped of available topsoil. To minimise damage to soil structure, topsoil stripping shall only be permitted when the soil is reasonably dry and friable (usually May to September) and shall not take place during or immediately after periods of heavy rain. Wherever possible, stripped topsoil shall immediately be evenly spread over a suitably prepared similarly sized area on which extraction has ceased.
22. Where not used for progressive restoration, stripped topsoil shall be carefully stored on site and prevented from mixing with any other material. Topsoil dumps shall not exceed 6 metres in height to avoid excessive compaction. The topsoil dumps shall be evenly graded and seeded with grass to prevent wind and water erosion; they shall not be planted with trees. Weed control measures shall be taken as necessary to prevent weed infestation of topsoil stacks and weed contamination of adjoining agricultural land.
23. Topsoil shall be replaced at the next consecutive restoration cycle and shall be rooted and cross rooted to its full depth and stones exceeding 150mm in any one dimension will be removed.
24. After extraction is complete and before soil is restored restoration areas shall be rooted to a minimum depth of 350mm. Boulders and stones exceeding 200mm in any one dimension shall be removed.

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25. Final grading shall be carried out to ensure a true specified level and slope and to avoid dishing or other depressions where water may collect. The land shall be restored so as to equate with surrounding land levels as agreed with the Planning Authority.
26. Provision shall be made at all times to ensure the site is adequately drained so as to prevent flooding or water seepage on to adjoining agricultural land. Furthermore, the applicant shall reinstate or lay ditches and field drains as required by the Planning Authority for the continued use of the field for agriculture. Such obligation shall extend for a 5 year period after the laying of the topsoil is complete.
27. Restoration shall be undertaken in a progressive manner in accordance with the restoration commitments detailed in 8.4 to 8.4.5 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated August 2017 and the indicative restoration plan Figure 3.3.
28. Within six months of final cessation of quarrying a scheme for final landform restoration and aftercare, shall be submitted for the prior approval of the Planning Authority and shall be based on the restoration and aftercare commitments detailed in 8.4 to 8.5 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated August 2017. Thereafter final landform restoration operations and aftercare scheme shall be implemented in accordance with the approved details.

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

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond has been completed and signed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the Minerals and Other Extractive Activities Policy ER4B and will be ultimately recommended for refusal under delegated powers.

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person

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undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. 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. In accordance with 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.
4. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
5. 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.

(ii) 18/00338/IPM - MILNATHORT - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Conditions 1 and 2 of Planning Permission 15/00240/IPM (modification of 07/00442/OUT), land at Pitdownies Farm, Manse Road, Milnathort – Report 18/228 – The General Trustee of The Church of Scotland

Mr Niven advised that should the Committee be minded to grant the application, recommended condition 4 be revised to:

Prior to the commencement of development full details of all matters regarding access, car parking, road layout, design and

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specification, including the disposal of surface water, shall be submitted for the approval of the Council as Planning Authority. Thereafter the development shall be completed in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Resolved:

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

Conditions

1. No works in connection with the development hereby approved shall take place until 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 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a detailed phasing plan;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, 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, cycleways, core path connections throughout the development;
 - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vi) details of all landscaping, structure planting and screening associated with the development of the site;
 - (vii) the lighting of all streets and footpaths;
 - (viii) the layout of any open space or play areas and the equipment to be installed;
 - (ix) Flood Risk Assessment
 - (x) full details of the proposed means of disposal of foul and surface water from the development;
 - (xi) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System for during construction and for the completed development.
 - (xii) details of car charging points to be provided within the development;
 - (xiii) details of bin storage locations.

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- (xiii) A detailed Construction Management Plan which includes monitoring and mitigation measures for the control of noise, dust and vibration and;
- (xv) Transport Assessment.
- 2. No development shall take place unless and until a scheme for protecting the new housing development from M90 road traffic noise has been submitted to and approved in writing by the Planning Authority. All such works that form the approved scheme shall be completed before the dwellings are brought into use to ensure that the development is adequately soundproofed against externally generated noise in the interests of the amenity of future occupiers of the development.
- 3. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measuresBefore any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
- 4. Prior to the commencement of development full details of all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be submitted for the approval of the Council as Planning Authority. Thereafter the development shall be completed in accordance with the approved details to the satisfaction of the Council as Planning Authority.
- 5. Prior to the commencement of development a scheme shall be submitted for the approval of the Council as Roads Authority detailing improvement measures of the junction between Manse Road and North Street. The agreed detail shall thereafter be implemented prior to the completion of development.
- 6. In pursuance of Condition 1(vi), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for the development. Details of the scheme shall include:-
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.

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- c) Existing and proposed services including cables, pipelines, substations.
- d) The location of existing and new boundary woodland, trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed and retained.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.
- i) Proposed woodland screen planting and core path along the western edge of site.
- j) a woodland management plan.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other 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.

- 7. Further to Condition 1x) , an updated Flood Risk Assessment (FRA) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The FRA shall consider flood risk from all sources and shall be developed in accordance with the relevant technical guidance published by the Scottish Environment Protection Agency (e.g. Technical Flood Risk Guidance for Stakeholders) and the Council's Flood Risk and Flood Risk Assessment Developer Guidance.
- 8. In pursuance of condition 1x), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.
- 9. In pursuance of condition 1x) and prior to the commencement of any works, full details of the finalised

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SUDS scheme for both during construction operations and for the completed development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.

10. 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 RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014 or such replacement Guidance and Policy which may replace these.
11. 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 PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.
12. Any detailed application shall be accompanied by a tree survey carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.
13. Further to Condition 1xv) , a Transport Assessment (TA) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority.

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 and this assessment will allow consideration of road safety, to ensure the impacts of additional traffic on the road arising from the development can be assessed.

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

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

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
3. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicant is 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.
5. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best

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practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk

8. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
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 reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
11. The applicant is advised that any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
12. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

(iii) 18/00412/AMM - EAST HUNTINGTOWER - Erection of 43 dwellinghouses, formation of SUDS pond, landscaping and associated works (Matters Specified in Conditions 16/01348/IPM (Phase 1)), land 100 metres west of Glover Arms, East Huntingtower, Perth – Report 18/229 – Barratt North Scotland

Mr Scott advised that should the Committee be minded to grant the application recommended condition 9 be revised to:

Prior to the commencement of development full details of all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be submitted for the approval of the Council as Planning Authority. Thereafter the development shall be completed in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Mr Scott also advised that should the committee be minded to grant the application recommended informative 4 be altered to refer to the Development Management Procedure (Scotland) Regulations 2013, not the 2008 regulations as stated.

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Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency.
The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
The CEMP shall be submitted not less than two months prior to the commencement of development and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.
3. Development shall not commence until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the various elements of the development and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
4. No development shall commence until the agreed level of financial contribution with Transport Scotland to address the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.
5. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as

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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.

6. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.
7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.
8. No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85 / Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.
9. Prior to the commencement of development full details of all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be submitted for the approval of the Council as Planning Authority. Thereafter the development shall be completed in accordance with the approved details to the satisfaction of the Council as Planning Authority.
10. The conclusions and recommended action points within the supporting updated Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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11. 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 including the A85 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
12. All existing 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 consent of the Planning Authority.
13. Any planting which, within a period of 5 years from the completion of the approved phase of 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.
14. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
15. Mitigation measures as detailed in Section 5.1.1 of the Updated Noise Assessment (dated 23 March 2018) associated with this application shall be put in place prior to the occupation of any dwelling.

Justification

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

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

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- (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 developer is advised to contact Mr David Strachan, 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 Environmental 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 Environmental Protection Agency.
 8. The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
 9. There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

(2) Local Applications

- (i) **18/00540/FLL - BALADO - Formation of access road, turning head, soakaway, installation of LPG tanks and associated works, land 110 metres south east of Beufield, Balado – Report 18/230 – Mr S Farish**

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Mr J Blair, agent on behalf of the applicant, addressed the Committee, and, following his representation returned to the public benches.

THE MEETING WAS ADJOURNED FOR 30 MINUTES TO ALLOW CONSIDERATION OF A MOTION FROM COUNCILLORS M BARNACLE AND W ROBERTSON.

Motion (Councillors M Barnacle and W Robertson)

Refuse for the following reason:

The application is premature in terms of the proposed Perth and Kinross Local Development Plan 2 (LDP2) on the grounds that the LDP2 proposes:

- (1) The removal of the application site from the Balado settlement boundary; and**
- (2) A strategy that there should be mains connection for foul drainage for new development.**

Amendment (Councillors R McCall and B Band)

Grant, subject to the terms, conditions and informatives contained in Report 18/230 as amended

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

8 members voted for the Motion as follows:

Councillors C Ahern, H Anderson, M Barnacle, B Brawn, H Coates, I James, W Robertson and R Watters.

4 members voted for the Amendment as follows:

Councillors B Band, E Drysdale, T Gray and R McCall.

Resolved:

In accordance with the Motion.

(3) Proposal of Application Notice (PAN)

- (i) 18/00003/PAN - DUNNING - Residential development, landscaping, suds pond associated works, land north east of Dunning Bowling Green, Station Road, Dunning – Report 18/231 –**

Members noted the issues identified by the Interim Head of Planning's report with the addition of Policy RD3 and associated Housing in the Countryside guide.

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VALEDICTORY

The Convener reflected on the career of Nick Brian, Interim Head of Planning, who was soon to retire from the Council. On behalf of the Committee she thanked him for the many years of committed service to local government, and Perth and Kinross Council in particular, and for the guidance and support he had given to her as Committee Convener. She wished him a long and happy retirement and presented him with a civic gift on behalf of the Provost and the Council.

Nick Brian thanked the Committee for the gift and responded in appropriate terms.