

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
17 DECEMBER 2013

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Tuesday 17 December 2013 at 10.00am.

Present: Councillor T Gray, B Band, H Anderson, M Barnacle, I Campbell, A Gaunt, J Giacobazzi, C Gillies, A Jack (substituting for Councillor D Cuthbert), J Kellas, M Lyle (up to and including Art. 760(1)(iv)) and A Younger (substituting for Councillor G Walker).

In Attendance: Councillor A Cowan (up to and including Art. 760(1)(iii)); N Brian, A Condliffe, S Dunn, M Barr, N Moran, M Petrie and H Hearle (all The Environment Service); C Elliott, Y Oliver, J Frawley and S Craig (all Chief Executive's Service).

Apologies: Councillors D Cuthbert, A Livingstone and G Walker.

Councillor T Gray, Convener, Presiding.

756. WELCOME AND APOLOGIES

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

757. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

758. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 13 November 2013 was submitted, approved as a correct record and authorised for signature.

759. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No
13/00466/FLL	760(1)(i)
13/01182/FLL	760(1)(ii)
13/01233/FLL	760(1)(iv)
13/01346/FLL	760(1)(v)
13/01567/FLL	760(1)(vi)

760. APPLICATIONS FOR DETERMINATION

(1) Local Applications

(i) 13/00466/FLL -ABERFELDY -Formation of a run of river hydro scheme at Beinn Eagagach Hydro Scheme, Edradynate, Aberfeldy - Edradynate Ltd -Report 13/591

N Brian, Development Quality Manager, requested that the Committee, should they be minded to approve the application, also approve additional Conditions 20-23, as detailed in a paper issued to them prior to the commencement of the meeting and an amendment to Condition 11.

Mr H Driscoll, Hydroplan Info, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to (i) the following conditions; (ii) additional Conditions 20-23; and (iii) amended Condition 11 all as undernoted:

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.
2. 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;

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- (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 is 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;
 - (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 unless otherwise agreed in writing.
3. Development shall not commence until an independent and suitably qualified Ecological Clerk of Works (ECoW) or Environmental Manager has been appointed at the developers' expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW or Environmental Manager in representation of the Planning Authority relating to this development shall have responsibility for the following:
- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
 - (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
 - (c) Prior to the commencement of development they shall provide an environmental/ecological tool box talk for construction staff.
 - (d) They will have authority to amend working practices where required. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.

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- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) They are required to submit a detailed monthly report for the review of the Planning Authority in consultation with SEPA for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented to the satisfaction of the Council as Planning Authority until completion of development.

- 4. Prior to any decommissioning of the site a Decommissioning Method Statement shall be submitted for the approval of the Council as Planning Authority in consultation with SNH. This method statement should ensure there is a process in place for ensuring good practice working methods are used for the removal of infrastructure and site restoration.
- 5. Any approved Decommissioning Method Statement shall be implemented and overseen by an independent Environmental Manager who shall have powers similar to the Environmental Manager/Ecological Clerk of Works employed during the construction phase.
- 6. Prior to the commencement of site clearance details of trees to be retained and the comprehensive approach to their protection in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction" shall be submitted for the written approval of the Council as Planning Authority. Following tree works the protection scheme shall be installed immediately in accordance with the plan 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 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.
- 7. Prior to the commencement of development the operator of the hydro scheme shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid. Details of the connection point and methods of connecting to the grid from the powerhouse shall be submitted for approval of the

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Council as Planning Authority. Thereafter the connection shall be installed in accordance with the approved method.

8. Prior to Commencement of Development, a fully detailed landscaping mitigation plan which will ensure there is no net loss of trees associated with the felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority. Measures to protect the new planting from animals should be included. The scheme shall also include appropriate habitat creation and shall take account of the protected species identified in the Environmental Statement. The approved scheme shall be fully implemented to the satisfaction of the Planning Authority no later than the first planting season following the Commissioning of Development. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure.
9. In the event the development fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months with no realistic expectation of resumption in the foreseeable future, then, unless otherwise agreed in writing with the Planning Authority, it shall be deemed to have permanently ceased to be required. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take any decision following discussion with the Company and such other parties it considers appropriate. If the Development is deemed to have ceased to be required the Company shall cause the Development to be decommissioned and the site will be reinstated within a period of eighteen months following the expiry of such period of cessation or within such timescale as agreed in writing by the Planning Authority. Reinstatement shall include the removal of the above ground infrastructure, if considered necessary and restoration of the natural water regime to normal flows, to the written satisfaction of the Planning Authority in consultation with other relevant authorities in accordance with Condition 5.
10. All vehicles associated with the development shall park within the designated compound areas only to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing with the Planning Authority.
11. Prior to the commencement of any development full details and samples of the stonework, timber cladding, roof slates at the powerhouse/outfall area shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development and completed in their entirety prior to the hydro scheme becoming operational.

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12. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
13. Prior to the commencement of any development, a revised site plan and elevations of the powerhouse shall be submitted which shows the pigging chamber buried under soil to reduce its visual impact. The details as approved shall be implemented as part of the site development.
14. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
15. Prior to the commencement of development details of the flood resistant and resilient materials to be incorporated into the design of the powerhouse shall be submitted to and approved in writing by the Planning Authority, thereafter the scheme shall be implemented and maintained in accordance with the approved plans.
16. The pipeline corridor through areas of woodland shall be a maximum width of 10 metres to the satisfaction of the Council as Planning Authority.
17. The core path shown in PURPLE on plan 13/00466/24 must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the development is commissioned.
18. Prior to the commencement of construction, a full detailed construction method statement giving details of measures to prevent harmful materials entering the watercourses shall be submitted and agreed in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). The details shall include:

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- Pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
- Storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
- Construction site facilities, including extent and location of construction site huts, vehicles, equipment and materials compound.
- Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.
- Measures to address wetland ecology (GWDTEs) as outlined in SERA's consultation response dated 28 November 2013.

The details as approved shall be strictly adhered to during the development of the site.

19. The borrow pit located close to Ground Water Dependent Terrestrial Ecosystem (GWDTE) M6/M23 which is referred to in Section 2.2 of SEPA's consultation response dated 28 November 2013 is not approved. This borrow pit shall be relocated at least 50m from this M6/M23 habitat. A revised plan detailing this change shall be submitted for the written approval of the Planning Authority in consultation with SEPA. The details, as approved, shall be implemented as part of the site development.
20. Power generating equipment shall be acoustically enclosed to attenuate sound therefrom, such that it does not exceed Noise Rating 25 between the hours of 0700 and 2300 hours or Noise Rating 20 between the hours of 2300 and 0700 hours within any neighbouring noise-sensitive property. The measurement shall be taken with the windows slightly open and the figure when measured and/or calculated and plotted on a Noise Rating chart, if considered necessary by the Council as Planning Authority in the event that any noise nuisance complaint is authenticated.
21. The Powerhouse shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4m/s^{1.75} between 2300 and 0700 hours (as set in Table 1 of BS 6472-1 :2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.
22. Within three months of completion of the construction works any dykes/fences that have been dismantled to accommodate the pipeline route shall be fully reinstated

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to their original height and design all to the satisfaction of the Planning Authority.

23. All temporary contractors' site compounds and tracks shall be removed and the land reinstated to their former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.

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. 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.
2. 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 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for 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.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 278 of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supplies or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
5. 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

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Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The applicant should make contact with Perth and Kinross Heritage Trust so that the procedure of works required for the archaeological condition can be discussed.
8. The applicant should be aware of the regulatory guidelines indicated by SEPA in their consultation response dated 26 November 2013.

(ii) 13/01182/FLL - CRIEFF - Alterations and change of use of former church into a 13 bedroom hotel/self catering/holiday accommodation, spa and restaurant, Old South Church, Coldwells Road, Crieff - Corryard Developments Ltd - Report 13/592

Mr J Burke, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

In terms of Standing Order 53, Councillor A Cowan, one of the local members representing Ward 6, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to (i) the conditions contained in Report 13/592; (ii) the removal of recommended Condition 2 contained in Report 13/592 relating to the proposed outdoor terrace; (iii) Condition 9 (previously Condition 10 of Report 13/592) being amended; and (iv) additional Conditions 14-19, all as undernoted:

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.
2. Prior to the commencement of any development on the landscape/drop off area to the front of the building a detailed method statement shall be submitted which outlines how the existing section of boundary wall and railings will be dismantled, the storage and protection of the material and the re-construction of the stonework. The details, as approved, shall be strictly adhered to during the works in this area.
3. Prior to the commencement of any development on the landscape/drop off area to the front of the building samples of the paving slabs and setts, design specification for the seating and the details of all proposed tree species shall be submitted for the written approval of the Planning Authority. The details, as

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- approved, shall be implemented as part of the site development.
4. Prior to the commencement of any development a revised north east and north west elevation drawing shall be submitted for the written approval of the Planning Authority which reduces the height of the proposed flues on the north west facing slope of the roof to ensure they sit below the ridge of the building unless otherwise agreed in writing with the Planning Authority. The details, as approved, shall be implemented as part of the site development.
 5. Prior to the commencement of any development on the plant area between the Mission Hall roof ridges, full design details, including elevations and sectional drawings shall be provided of all proposed plant and machinery for the written approval of the Planning Authority. The design details and specifications should minimise the impact on the visual amenity of the area and the specification of the plant shall meet the requirements of Conditions 11 and 12 of this consent. The details, as approved, shall be implemented as part of the site development and maintained in perpetuity.
 6. No new plumbing, pipes, soilstacks, flues, vents, grilles or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
 7. No alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building unless with the prior approval in writing of the Council.
 8. Prior to the installation of any new windows within any part of the clock tower, full details of the replacement windows shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
 9. All music and vocals, amplified or otherwise within the fabric of the building, shall be so controlled as to be inaudible within any neighbouring premises.
 10. All plant or equipment including any ventilation system associated with the premises shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a noise rating curve chart.
 11. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

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12. The delivery of goods to the premises shall take place between 07.00hrs to 17.00hrs Mondays to Saturdays and no deliveries on a Sunday.
13. The mitigation measures outlined in the bird and bat survey (13/01182/41) shall be strictly adhered to during the development of the site all to the satisfaction of the Council as Planning Authority.
14. No music amplified or otherwise shall be permitted on the external terrace to the satisfaction of the Council as Planning Authority.
15. Prior to the commencement of any development on the external terrace and to ensure no light spillage to neighbouring properties, details of any external lighting on the terrace area shall be submitted for the written approval of the Council as Planning Authority.
16. Prior to the commencement of any development on the external terrace, full details of the structural glass and projecting shelf detail of the balustrade, including manufacturers' specifications, shall be submitted and approved in writing by the Council as Planning Authority. The external terrace shall be erected in accordance with these details.
17. No permanent fixtures or fittings shall be attached to the external terrace to the satisfaction of the Council as Planning Authority.
18. The use of the external terrace shall be restricted to the hours of 0800 to 2300 daily, unless otherwise agreed in writing with the Planning Authority.
19. All structural details of the external terrace, as subsequently approved, shall remain as such and any alterations shall require further applications for planning and listed building consent.

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. 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.
2. 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

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Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for 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.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 278 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. 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).
 6. No work shall be commenced until an application for building warrant has been submitted and approved.
 7. This is approval of application Ref no (13/01182/FLL) for planning permission only. It does not include any approval for the related Listed Building Consent Ref no (13/01183/LBC). Therefore work should not commence until Listed Building Consent has been received. Carrying out alterations without Listed Building Consent is an offence.

(iii) 13/01183/LBC – CRIEFF -Alterations and change of use of former church into a 13 bedroom hotel/self catering/holiday accommodation, spa and restaurant, Old South Church, Coldwells Road, Crieff -Corryard Developments Ltd – Report 13/593

Grant, subject to (i) the conditions contained in Report 13/593; (ii) the removal of the proposed Condition 2 contained in Report 13/593 relating to the proposed outdoor terrace; and (iii) additional Conditions 13-17 all as undernoted:

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.
2. Prior to the commencement of any development on the landscape/drop off area to the front of the building a detailed method statement shall be submitted which outlines how the existing section of boundary wall and railings will be dismantled, the storage and protection of the material and the re-construction of the stonework.

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The details, as approved, shall be strictly adhered to during the works in this area.

3. Prior to the commencement of any development on the landscape/drop off area to the front of the building samples of the paving slabs and setts, design specification for the seating and the details of all proposed tree species shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
4. Prior to the commencement of any development a revised north east and north west elevation drawing shall be submitted for the written approval of the Planning Authority which reduces the height of the proposed flues on the north west facing slope of the roof to ensure they sit below the ridge of the building. The details, as approved, shall be implemented as part of the site development.
5. Prior to the commencement of any development on the plant area between the Mission Hall roof ridges, full design details, including elevations and sectional drawings shall be provided of all proposed plant and machinery for the written approval of the Planning Authority. The design details and specifications should minimise the impact on the visual amenity of the area and the specification of the plant shall meet the requirements of Conditions 11 and 12 of the associated planning consent. The details, as approved, shall be implemented as part of the site development and maintained in perpetuity.
6. No new plumbing, pipes, soilstacks, flues, vents, grilles or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
7. No alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building unless with the prior approval in writing of the Council.
8. Prior to the installation of any new windows within any part of the clock tower, full details of the replacement windows shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
9. Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or theft during the building work. Details shall be submitted to and approved by the Council as local Planning Authority before works begin on site, and the relevant work carried out in accordance with such approval. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council.

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10. The schedule of repair and restoration works referred to in the submitted design statement shall be produced once suitable access to the upper levels is gained. This schedule of works, including a photographic survey, shall be submitted for the written approval of the Planning Authority prior to the commencement of any development.
11. Prior to the commencement of any development, full details of the proposed re-use and re-location of the communion table, the pulpit and the timber panelling to the gallery and the pipe organ shall be submitted for the written approval of the Planning Authority. This shall be in the form of a detailed scaled plan.
12. Prior to the commencement of any development at lower ground floor level on the spa area, fully detailed, scaled layout drawings of the spa shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
13. No permanent fixtures or fittings shall be attached to the external terrace to the satisfaction of the Council as Planning Authority.
14. Prior to the commencement of any development on the external terrace and to ensure no light spillage to neighbouring properties, details of any external lighting on the terrace area shall be submitted for the written approval of the Council as Planning Authority.
15. All structural details of the external terrace, as subsequently approved, shall remain as such and any alterations shall require further applications for planning and listed building consent.
16. Prior to the commencement of any development on the external terrace, full details of the structural glass and projecting shelf detail of the balustrade, including manufacturers' specifications, shall be submitted and approved in writing by the Council as Planning Authority. The external terrace shall be erected in accordance with these details.
17. Prior to the commencement of any development of the external terrace a detailed design specification and large scale section drawings, to indicate the connection of the terrace structure and associated elements to the listed building, shall be submitted for the written approval of the Planning Authority. The construction of the terrace shall be implemented in accordance with these approved drawings.

Justification

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

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Informatives

1. This is approval of application ref no 13/01183/LBC for listed building consent only. It does not include any approval for the related planning application ref no 13/01182/FLL.
2. No work shall be commenced until an application for building warrant has been submitted and approved.

(iv) 13/01233/FLL - RUMBLING BRIDGE - Formation of a 500kw run of river hydro electric operating scheme, powerhouse building, accesses and associated works at Rumbling Bridge -Glendevon Energy Company Limited - Report 13/594

N Brian, Development Quality Manager, requested the Committee that, should they be minded to approve the application, they also approve (i) additional Conditions 23-26, as detailed in a paper issued to them prior to the commencement of the meeting, (ii) additional Informative No. 9; and (iii) an amended Procedural Note in connection with either a financial payment being made by the applicant or a Section 69 Legal Agreement being signed prior to consent being issued.

N Brian advised the Committee that, whilst Fossoway and District Community Council had originally objected to the application, improvements had been made following discussions with them and they had subsequently withdrawn their objection. He also advised that the application was wholly situated in an Area of Great Landscape Value.

Mr H Wallace, applicant, followed by Mrs N Green, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to (i) the conditions contained in Report 13/594; (ii) additional Conditions 23-26; (iii) additional Informative No 9; and (iv) an amended Procedural Note, all as undernoted:

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.
2. 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;

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- (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;
- (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 unless otherwise agreed in writing.

3. Development shall not commence until an independent and suitably qualified Ecological Clerk of Works (ECoW) or Environmental Manager has been appointed at the developers' expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The EGoW or Environmental Manager in

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representation of the Planning Authority relating to this development shall have responsibility for the following:

- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (c) Prior to the commencement of development they shall provide an environmental ecological tool box talk for construction staff.
- (d) They will have authority to amend working practices where required. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) They are required to submit a detailed monthly report for the review of the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented to the satisfaction of the Council as Planning Authority until completion of development.

4. Prior to any decommissioning of the site a Decommissioning Method Statement shall be submitted for the approval of the Council as Planning Authority in consultation with SNH. This method statement should ensure there is a process in place for ensuring good practice working methods are used for the removal of infrastructure and site restoration.
5. Any approved Decommissioning Method Statement shall be implemented and overseen by an independent Environmental Manager who shall have powers similar to the Environmental Manager/Ecological Clerk of Works employed during the construction phase.
6. Prior to the commencement of site clearance details of trees to be retained and the comprehensive approach to their protection in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction" shall be submitted for the written approval of the Council as Planning Authority. Following tree works the protection scheme shall be installed immediately in accordance with

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the plan 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 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.

7. Prior to the commencement of development the operator of the hydro scheme shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid. Details of the connection point and methods of connecting to the grid from the powerhouse shall be submitted for approval of the Council as Planning Authority. Thereafter the connection shall be installed in accordance with the approved method.
8. Prior to Commencement of Development, a fully detailed landscaping mitigation plan which will ensure there is no net loss of trees associated with the felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority. Measures to protect the new planting from animals should be included. The approved scheme shall be fully implemented to the satisfaction of the Planning Authority no later than the first planting season following the Commissioning of Development. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure.
9. In the event the development fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months with no realistic expectation of resumption in the foreseeable future, then, unless otherwise agreed in writing with the Planning Authority, it shall be deemed to have permanently ceased to be required. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take any decision following discussion with the Company and such other parties it considers appropriate. If the Development is deemed to have ceased to be required the Company shall cause the Development to be decommissioned and the site will be reinstated within a period of eighteen months following the expiry of such period of cessation or within such timescale as agreed in writing by the Planning Authority. Reinstatement shall include the removal of the above ground infrastructure, if considered necessary and

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restoration of the natural water regime to normal flows, to the written satisfaction of the Planning Authority in consultation with other relevant authorities in accordance with Condition 5.

10. All vehicles associated with the development shall park within the designated compound areas only to the satisfaction of the Council as Planning Authority.
11. Prior to the commencement of any development full design details including sectional drawings and landscaping/restoration details to minimise visual impact of the access track to the powerhouse shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development and completed in their entirety prior to the hydro scheme becoming operational.
12. Prior to the commencement of any development full details and samples of the stonework, timber cladding, roof slates at the powerhouse/outfall area shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development and completed in their entirety prior to the hydro scheme becoming operational.
13. No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority, about MPK18511 Briglands Mound. Also, no works shall take place within the area inside that fencing without the prior agreement of the Planning Authority and Perth and Kinross Heritage Trust.
14. Prior to the commencement of any development a detailed sediment management shall be submitted for the written approval of the Planning Authority in consultation with Scottish Natural Heritage (SNH). The details, as approved, shall be strictly adhered to during the development of the site.
15. A pre construction bat survey shall be undertaken of the trees proposed to be felled adjacent to the intake point to verify that these trees do not support bat roosts. If any bat roosts 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.
16. A pre construction 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 Licence from SNH. If any otter holts are found details of .mitigation

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- 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.
17. A pre construction survey of all trees proposed for felling shall be undertaken to determine the presence of any red squirrel dreys. If any red squirrel dreys are found a licence from SNH will be required. If any red squirrel dreys 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.
 18. A pre construction survey of badgers shall be undertaken to establish if any new sets have been formed in the period since the initial badger survey. If any sets 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.
 19. Power generating equipment shall be acoustically enclosed to attenuate sound therefrom, such that it does not exceed Noise Rating 30 between the hours of 0700 and 2300 hours or Noise Rating 20 between the hours 2300 and 0700 hours within any neighbouring noise-sensitive property. The measurement shall be taken with the windows slightly open and the figure when measured and/or calculated and plotted on a Noise Rating chart, if considered necessary by the Council as Planning Authority in the event that any noise nuisance complaint is authenticated.
 20. The Powerhouse shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s^{1.75} between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1 :2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.
 21. Construction procedures outlined in section 5 of the Indicative Construction Method Statement dated 24 April 2013 will be implemented in full to the satisfaction of the Planning Authority.
 22. 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

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- 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 measures

Before the scheme is brought into operation the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the schemes proposals have been fully implemented must also be submitted to the Planning Authority.

- 23. Prior to the commencement of any development full design details including sectional drawings and landscaping/restoration details to minimise the visual impact of the pipeline adjacent to the residential properties to the west of the A823 at Rumbling Bridge shall be submitted for the written approval of the Planning Authority. The details as approved shall be implemented as part of the site development.
- 24. All temporary contractors' site compounds and tracks shall be removed and the land reinstated to their former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.
- 25. Prior to the commencement of any development full details of the proposed signboard to be erected adjacent to the intake shall be submitted for the written approval of the Planning Authority. The details as approved shall be implemented as part of the site development.
- 26. The core path which runs along the length of the river must not be obstructed during building works or on completion, and any diversions should be of comparable dimensions and clearly marked. Any damage done to the route and associated signage during building works must be made good before the development is commissioned.

Justification

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

Procedural Note

No consent shall be issued until either a financial payment has been made by the applicant or a Section 69 Legal Agreement has been signed between the developer and the Council regarding the payment of a sum of £10,000 to be put toward the upgrade of public access routes in the local area.

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Informatives

1. 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.
2. 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 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for 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.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 278 of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supplies or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
5. 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).
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The applicant should make contact with Perth and Kinross Heritage Trust so that the procedure of works required for the archaeological condition can be discussed.
8. The applicant should be aware of the regulatory guidelines indicated by SEPA in their consultation response dated 8 August 2013.
9. The applicant should ensure that the line of the pipeline is suitably identified at all field boundaries.

COUNCILLOR M LYLE LEFT THE CHAMBERS AT THIS POINT.

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(v) **13/01346/FLL -RANNOCH -Installation of a hydro electric scheme, comprising an intake, powerhouse building, pipeline, access track and grid connection at Allt Druidhe Hydro Scheme, Rannoch -Innerhadden Estate -Report 13/595**

A Condliffe, Senior Team Leader, requested the Committee that, should they be minded to approve the application, they also approve subject to an additional Condition 17, as detailed in a paper issued to them prior to the commencement of the meeting.

Mr R Barclay, applicant, followed by Dr Jill Tidman, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and an additional Condition 17 as undernoted:

1. The development shall be undertaken in accordance with the Application and Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent. The development shall be undertaken in its entirety, with no partial implementation and construction activities shall be completed within an 18 month period from the commencement of the development unless otherwise agreed in writing by the Planning Authority.
2. Prior to the commencement of development the operator of the hydro scheme shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid. Details of the connection point and methods of connecting to the grid from the powerhouse shall be submitted for approval of the Council as Planning Authority. Thereafter the connection shall be installed in accordance with the approved method.
3. Prior to Commencement of Development, a Detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority. Such details shall be submitted not less than one month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the Development shall be fully undertaken in accordance with the approved CEMP.

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4. Development shall not commence until an independent and suitably qualified Ecological Clerk of Works (ECoW) or Environmental Manager has been appointed at the developers' expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW or Environmental Manager in representation of the Planning Authority relating to this development shall have responsibility for the following:
- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
 - (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
 - (c) Prior to the commencement of development they shall provide an environmental/ecological tool box talk for construction staff.
 - (d) They will have authority to amend working practices where required. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
 - (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
 - (f) They are required to submit a detailed monthly report for the review of the Planning Authority in consultation with SEPA for the duration of development.
 - (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented to the satisfaction of the Council as Planning Authority until completion of development.

5. 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
 - (b) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (c) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;

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- (d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (e) 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;
- (f) arrangements to ensure that access for emergency service vehicles are not impeded;
- (g) co-ordination with other major commercial users known to use roads affected by construction traffic;
- (h) monitoring, reporting and implementation arrangements; and
- (i) arrangements for dealing with non-compliance

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.

6. Development shall not commence until an independent and suitably qualified geological expert has been appointed at the developers' expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed person will be responsible for the micro siting of the intake structure and shall remain in post for duration of construction associated with the intake. They will ensure the following:
- (a) That the weir pond level is the lowest possible; and,
 - (b) There is continuity in the outcrop above the level of the pond.

The geological expert has authority to stop operations if the works are not undertaken in accordance with his recommendations. Should this occur the geological expert shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

7. Prior to the commencement of development the external surfaces of the building(s) and, where applicable, all areas of hard surfacing, shall not be constructed other than in materials, details/samples of which shall be submitted to and approved in writing by the local Planning Authority.
8. Prior to Commencement of Development, a fully detailed landscaping mitigation plan which will ensure there is no net loss of trees associated with the felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority. Measures to protect the new planting from animals should be included, along with plans for re-seeding and how this shall be implemented in phases to coincide with construction works. On approval the landscaping scheme shall be fully implemented to the satisfaction of the

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- Planning Authority in accordance with the phasing plan. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure.
9. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
 10. All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.
 11. In the event that the crossing of a watercourse by an access track is unavoidable, details of the method of crossing shall be submitted to, and approved in writing by the Planning Authority in consultation with SEPA prior to formation of the crossing.
 12. Construction work on the site shall be confined to the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays, with no working on Sundays, local or national public holidays unless otherwise agreed in writing with the Planning Authority.
 13. Power generating equipment shall be acoustically enclosed to attenuate sound therefrom, such that it does not exceed Noise Rating 30 between the hours of 0700 and 2300 hours or Noise Rating 20 between the hours 2300 and 0700 hours within any neighbouring noise-sensitive property. The measurement shall be taken with the windows slightly open and the figure when measured and/or calculated and plotted on a Noise Rating chart.
 14. The Powerhouse and Transformer Compound shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s² between 2300 and 0700 hours (as set out in Table 1 of BS 6841-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.
 15. In the event the Development fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months with no realistic

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expectation of resumption in the foreseeable future, then, unless otherwise agreed in writing with the Planning Authority, it shall be deemed to have permanently ceased to be required. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take any decision following discussion with the Company and such other parties it considers appropriate. If the Development is deemed to have ceased to be required the Company shall cause the Development to be decommissioned and the site will be reinstated within a period of eighteen months following the expiry of such period of cessation or within such timescale as agreed in writing by the Planning Authority. Reinstatement shall include the removal of the above ground infrastructure, if considered necessary and restoration of the natural water regime to normal flows, to the written satisfaction of the Planning Authority in consultation with other relevant authorities in accordance with condition 15.

16. Prior to any decommissioning of the site a Decommissioning Method Statement shall be submitted for the approval of the Council as Planning Authority in consultation with SNH and SEPA. This method statement should ensure there is a process in place for ensuring good practice working methods are used for the removal of infrastructure and site restoration.
17. Prior to the commencement of any development full details of the landscape mitigation measures for the proposed access tracks, works to existing access tracks and the reinstatement of the pipeline shall be submitted for the written approval of the Planning Authority. The details as approved, shall be implemented as part of the site development.

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

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constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. 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.
4. 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.
5. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2011 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
6. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 278 of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(vi) 13/01567/FLL - CAMSERNEY -Modification of existing consent (07/01221/FUL) removal of Condition 9 (occupancy condition), land at Croftnamuick, Camserney -Mr A Murray - Report 13/596

N Brian, Development Quality Manager, requested the Committee that, should they be minded to refuse the application, they also accept additional Reason for Refusal No. 5, as detailed in a paper issued to them prior to the commencement of the meeting.

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

Motion (Councillors M Barnacle and A Gaunt) -Refuse, for the reasons contained in Report 13/596 and additional Reason No. 5.

Amendment (Councillors J Kellas and A Jack) - Grant the removal of Condition 9 (occupancy condition) from existing consent 07/01221/FUL, on the grounds:

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- (i) **that the proposal complies with Scottish Government Circular 3/2012 in that with occupational need being established, it is not necessary to impose an occupancy restriction;**
- (ii) **of the economic benefit of the proposal.**

In accordance with Standing Order 44, a roll call vote was taken.

7 Members voted for the Amendment as follows:
Councillors T Gray, B Band, H Anderson, A Jack, J Giacomazzi,
J Kellas and A Younger.

4 Members Voted for the Motion as follows:
Councillors M Barnacle, I Campbell, A Gaunt and C Gillies.

Amendment -7 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

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