

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 FEBRUARY 2014

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 February 2014 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, A Gaunt, J Giacobazzi, A Jack (substituting for Councillor D Cuthbert), J Kellas, A Livingstone, M Lyle, A Munro (substituting for Councillor C Gillies) and G Walker.

In Attendance: Councillor A Stewart (up to and including Art. 92(1)(ii)) and Councillor A Cowan (up to and including Art. 92(1)(iii)); N Brian, A Condliffe, J Thomson, K McNamara (up to and including Art. 92(1)(i)), C Haggart, S Dunn and K Stirton (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Apologies: Councillors D Cuthbert and C Gillies.

Councillor T Gray, Convener, Presiding.

87. WELCOME AND APOLOGIES

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

88. WITHDRAWAL OF APPLICATIONS

The Committee noted the following application had been withdrawn from the Agenda:

- (i) 13/01976/FLL – SCOTLANDWELL – Variation of Condition No 8 of planning permission (Ref 10/00134/FLL) to revise the visibility splays, land north of Kilmagadwood Cottage, Scotlandwell (Report 14/59)**

89. DECLARATIONS OF INTEREST

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

90. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 15 January 2014 (Arts.756-760) was submitted, approved as a correct record and authorised for signature.

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91. 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 |
|--------------------------|------------|
| 13/02107/FLM | 92(1)(i) |
| 13/02026/FLL | 92(1)(iii) |

92. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 13/02107/FLM – MILNATHORT – Temporary change of use for one year to Class 11 (Assembly and Leisure) for purpose of holding music festival in 2014 at Balado Park, Milnathort – Report 14/53 – DF Concerts**

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

Resolved:

Grant, subject to the following conditions:

- 1 Consent is hereby granted for a limited period of one year from the date of application submission, after which time the permitted use shall cease and the wider application site (excluding the Balado Park Activities Centre) shall be reinstated to its former condition to the satisfaction of the local Planning Authority.
- 2 This permission shall provide for a single large scale major music festival only on the application site in 2014.
- 3 The proposed development shall be carried out in accordance with the layout plan submitted with the application, unless otherwise provided for by conditions imposed on this planning consent (any layout changes must comply with requirements of Condition 4 below).
- 4 The layout for the major music festival authorised by this permission (i.e. all activities/events, stages and attractions, both tented and outdoor) and distance from the BP Forties pipeline, shall be in accordance with the following table unless otherwise agreed in writing by the Council as Planning Authority with the agreement of HSE:-

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| Tented & Outdoor Stage/attractions Capacity/Persons | Minimum Distance from Pipeline Centreline to Tent/Crowd Area Centroid |
|--|--|
| Less than 2000 | Outside inner zone boundary (greater than 110m) |
| 3000 | 130m |
| 4000 | 245m |
| 5000 | 315m |
| 6000 | 355m |
| 7000 | 370m |
| More than 8000 | Outside outer zone boundary (greater than 435m) |

- 5 The following additional restrictions shall apply to the music festival authorised by this permission:
- (i) The centre of the area set aside for the audience at the “main stage” shall be not less than 475m from the pipeline. Provision shall be made, including a physical barrier (or other suitable measure to the agreement of the Council as Planning Authority and the agreement of the HSE), to prevent the attendant crowd at the “main stage” being nearer than 380m to the Pipeline.
 - (ii) No member of the public shall be present inside the boundary of the inner zone (110m from the pipeline), with the exception of parking their vehicles, and access/egress. Parking provision (except that restricted to the applicants or operators’ employees in relation to the major music event authorised by this permission or its contracted workforce) inside the inner zone, shall be in a manned controlled area, solely for vehicles used to transport the public. Controls to be in place to prevent members of the public being present for significant periods (>30 mins), and especially: assembly, picnicking, camping, sleeping in vehicles, dispersion of those attending the event at the end of each day unless otherwise approved by the Council as Planning Authority with the agreement of HSE.
 - (iii) Camping, caravanning or other provision for accommodation (overnight or otherwise) shall only be

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permitted outside the middle consultation zone boundary (380m from the BP Forties Pipeline) and in areas prescribed by the layout).

- 6 Prior to the commencement of the major music festival authorised by this permission a wayleave extending 6m either side of the hazardous pipeline route through the application site shall be created through the erection of herras fencing, or another appropriate alternative agreed in writing by the Council as Planning Authority, to prevent public access to the pipe. The protective fencing shall remain in place for the duration of that event/activity. There shall be no access to the pipeline easement strip, as detailed above, for either: vehicles (except at agreed crossing points), the public, event employees or its contracted workforce; for the duration of each of the major music festivals authorised by this permission, unless directed by the pipeline operator.
- 7 There shall be no storage at any time (temporary or permanent) of combustible material or the lighting of fires along the pipeline route or within the wayleave area.
- 8 Prior to the commencement of the major music festival authorised by this permission the location of fixed pipeline crossing points for vehicles and pedestrians shall be submitted to and agreed in writing by the Council. Where necessary crossing points shall be reinforced in accordance with details which shall previously have been submitted to and agreed in writing by the Council as Planning Authority.
- 9 Prior to the commencement of the major music festivals authorised by this permission full and practised Emergency Response Plans shall have been put in place in accordance with details which previously shall have been submitted to and approved in writing by the Council as Planning Authority. Such details shall include the results of desk top and site testing.
- 10 The clearance of waste, litter and other debris from the application site and generated by any event permitted by this consent shall be completed 14 days from the end of that event.
- 11 During construction and de-commissioning phases of the festival or major event permitted by Condition 2 of this consent reinforced track surfacing for ground protection to site access, service roads and car park entrances within the application site shall be laid, and utilised by vehicles, and shall remain in place for the duration of the event itself.

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- 12 The routes and arrangements for vehicle access to the site for construction and service vehicles associated with construction and de-commissioning phases of any major event permitted by Condition 2 of this consent shall accord with details which shall have been submitted to and agreed in writing by the Council as local Planning Authority, in advance of any such event.
- 13 Prior to the staging of any event or activity, measures for the protection of dry drainage ditches, watercourses, and woodland areas within the application site shall have been put in place through the erection of herras fencing or another appropriate alternative agreed in writing by the Council as Planning Authority, at a minimum distance of 10m back from the edge of ditch, watercourse and woodland. The fencing shall prohibit public access to the ditch, watercourse and woodland and shall remain in place throughout the duration of the event.
- 14 Waste Water (sewage and grey water) for the event permitted by Condition 2 of this consent shall be removed from the Loch Leven Catchment Area. Proposals for dealing with foul drainage shall accord with details which previously shall have been submitted to and approved in writing by the Council as local Planning Authority. Prior to the commencement of any event/activity the applicant shall submit evidence to show that a contractual obligation has been entered into by the applicant with contractors for the complete removal of all effluent from the site and the Loch Leven Catchment area, as defined in the Kinross Area Local Plan 2004.
- 15 At least two weeks prior to the commencement of any festival event authorised by this permission a site and event specific Environmental Management Plan, fully detailing the mitigation and contingency measures outlined in the supporting planning statement and incorporating operational plans for sanitation, waste management, drinking water and flood prevention measures, shall be submitted for the written approval of the Council as Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). The approved mitigation and contingency measures shall be put in place for each event in accordance with those approved details.
- 16 Any artificial lighting to be accommodated within the application site shall accord with the guidance set out in the ecology section of the applicant's supporting planning

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statement (para 9.77). All lighting should be directed away from woodland areas, tree lines and watercourses and shall incorporate shades to prevent light spill and to direct light into field areas.

17 In accordance with the applicant's letter of the 01 March 2012 submitted with application 12/00078/FLM, the land within the application site and to the south of the A977 shall not be used in connection with any ancillary festival activity and shall only be used as a contingency as an exceptional, emergency response facility.

Justification

The submitted proposal is considered to accord with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Note

No consent shall be issued until a legal agreement is signed for the delivery of the phosphorus mitigation measures relating to the removal of land from agriculture for the duration of this consent.

No consent shall be issued until confirmation has been received by Scottish Ministers.

Informatives

1. In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006 the development shall be begun within a period of three years from the date of this consent.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act

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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 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 In relation to the requirements of condition 15 of this permission the applicant's attention is drawn to the consultation response and advice set out in SEPA's letter of 6 December 2013.

(ii) 13/02022/FLM – PERTH – Erection of replacement primary school building and nursery accommodation with associated works including a sports pitch; a multi-use games area and playground at Oakbank Primary School, Viewlands Road West, Perth – Report 14/54 – BAM Construction

Resolved:

Grant, subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the occupation of the school, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
- 3 Prior to the commencement of any works, a SUDS scheme demonstrating 2 levels of treatment shall be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA), and all work shall be carried out in accordance with the approved scheme.
- 4 Deliveries into the site shall be limited from 07.00 to 19.00hrs Monday to Friday only, unless otherwise agreed in writing by the Council as Planning Authority.
- 5 Details of the proposed cycle facilities shall be submitted to and agreed in writing by the Council as Planning Authority. The accommodation shall provide a secure, waterproof facility and be constructed before the school is operational to the satisfaction of the Council as Planning Authority.

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- 6 All external lighting within the site shall be sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
- 7 Details of pitch specification including drainage and maintenance shall be submitted and agreed in writing by the Council as Planning Authority, in consultation with sportscotland, prior to the commencement of development of pitch.
- 8 Prior to the use of the Multi Use Games Area (MUGA), a detailed management plan to control, monitor and react to noise nuisance and anti-social behaviour arising from the active use of the MUGA shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include specific details of perimeter fence type, acceptable activities on the MUGA, details of the users, operation times, details of an operational protocol that all users must agree to and details of the mechanism for dealing with breaches of the operational protocols. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority and shall be reviewed at any time at the discretion of the Council as Planning Authority.
- 9 All existing trees proposed to be retained in the submitted Tree Survey shall be protected during the proposed development with all works adhering to British Standard "BS 5837:2012 - Trees in Relation to Design, Demolition and Construction" to the satisfaction of the Council as Planning Authority.
- 10 Prior to the commencement of development, a detailed planting scheme shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 11 The sound insulation properties of the structures and finishes shall be such that no airborne or impact noise from the normal operations of the premises, and the control of all amplified sound including music and speech is audible within nearby residences.
- 12 All plant or equipment including any ventilation system associated with operation of the commercial areas 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 rating curve chart.

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- 13 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any nearby dwellings, to the satisfaction of the Council as Planning Authority.
- 14 A sample of the proposed external wall finishes shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
- 15 Prior to the commencement of works, precise details of all boundary fences and security fences within the site and along its perimeter shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 16 Prior to the commencement of works, precise details of all temporary site compounds and other temporary structures shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 17 Prior to the occupation of the building, precise details of the proposed recycling and waste collection facilities shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

Justification

The proposal is considered to accord with the Development Plan with significant community and education benefits that justify approving the planning application.

- (iii) 13/02026/FLM – CRIEFF – Erection of new primary school building and nursery accommodation with associated works including sports pitches; a multi-use games area, playground and bus lay-by at land 170 metres east of Duchlage Farm, Broich Road, Crieff – Report 14/55 – BAM Construction**

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

Resolved:

Grant, subject to the following conditions:

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- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the occupation of the school, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
- 3 Prior to the occupation and use of the approved development a bus park shall be constructed to the standard and specifications required by the Council's Public Transport Unit and to the satisfaction of the Planning Authority.
- 4 Prior to the occupation and use of the approved development, a 2.0m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontage with Broich Road. This footway should tie-in to any existing footway within the immediate vicinity of the site.
- 5 Prior to the occupation and use of the approved development a School Travel Plan (STP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
- 6 Deliveries into the site shall be limited from 07.00 to 19.00hrs Monday to Friday only. A delivery timetable shall be submitted to and agreed in writing by the Council as Planning Authority.
- 7 Details of the proposed cycle facilities shall be submitted and agreed in writing by the Council as Planning Authority. The accommodation shall provide a secure, waterproof facility and be constructed before the school is operational to the satisfaction of the Council as Planning Authority.
- 8 All external lighting within the site shall be sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
- 9 Details of pitch specification including drainage and maintenance shall be submitted and agreed in writing by the Council as Planning Authority in consultation with sportscotland, prior to the commencement of development of pitches.

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- 10 Prior to the use of the Multi Use Games Area (MUGA), a detailed management plan to control, monitor and react to noise nuisance and anti-social behaviour arising from the active use of the MUGA shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include specific details of acceptable activities on the MUGA, details of the users, operation times, details of an operational protocol that all users must agree to and details of the mechanism for dealing with breaches of the operational protocols. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority and shall be reviewed at any time at the discretion of the Council as Planning Authority.
- 11 All existing trees proposed to be retained in the submitted Tree Survey shall be protected during the proposed development with all works adhering to British Standard "BS 5837 2012 - Trees in Relation to Design, Demolition and Construction" to the satisfaction of the Council as Planning Authority.
- 12 Prior to the commencement of development, a detailed planting scheme shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 13 The sound insulation properties of the structures and finishes shall be such that no airborne or impact noise from the normal operations of the premises, and the control of all amplified sound including music and speech is audible within nearby residences.
- 14 All plant or equipment including any ventilation system associated with operation of the commercial areas 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 rating curve chart.
- 15 Prior to any works commencing on site precise details of the proposed biomass boiler shall be submitted for the approval in writing to the Council.
- 16 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any nearby dwellings, to the satisfaction of the Council as Planning Authority.

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- 17 A sample of the proposed external wall finishes shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
- 18 Prior to the commencement of works, precise details of all boundary fences and security fences within the site and along its perimeter shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 19 Prior to the commencement of works, precise details of all temporary site compounds and other temporary structures shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 20 Prior to the occupation of the building, precise details of the proposed recycling and waste collection facilities shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.
- 21 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.

Justification

The proposal is considered to accord with the Development Plan with significant community and education benefits that justify approving the planning application.

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

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

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
 - 4 The applicant should be 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 No work shall be commenced until an application for building warrant has been submitted and approved.
 - 6 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.
- (iv) **13/02084/IPM – GLENFARG – Renewal of planning consent (10/00983/IPM) for development of 114ha of unheated and heated polytunnels (in principle) at Binn Farm, Glenfarg – Report 14/56 – J Macgregor**

Resolved:

Grant, subject to the following conditions:

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

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- (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority:-

The siting, design, height, layout and external appearance of the development, phasing, the landscaping of the site, including all planting and means of enclosure, the car parking and means of access to the site.
- 3 No development shall take place within the development site as outlined in red on the approved plan (10/00983/2) 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.
- 4 The applicant shall submit at the detailed planning stage a fully detailed Sustainable Urban Drainage Scheme in accordance with best management practices for the approval of the Planning Authority.
- 5 The applicant shall submit a fully detailed Green Travel Plan to accompany any detailed planning application for the site, including a requirement to monitor travel patterns which will aim to reduce private car use and encourage more sustainable modes of travel, all to the satisfaction and approval of the Planning Authority.
- 6 At the detailed planning stage and in accordance with the recommendations of the Flora & Fauna Survey by Andrew Taylor a specific raptor survey should be undertaken and submitted for the approval of the Planning Authority, as there is evidence that they are using the application site for hunting and feeding.

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- 7 At the detailed planning stage and in accordance with the recommendations of the Flora & Fauna Survey by Andrew Taylor a Great Crested Newt Survey shall be carried out between March and June and submitted for the approval of the Planning Authority to determine the presence or absence of Great Crested Newts in the pond in the wooded area to the east of Catochil.
- 8 Any development on the site should be planned and timetabled to cause as little impact as possible to flora and fauna on the site, particularly during the bird breeding season from 1 March to 31 August.
- 9 At the detailed planning stage the applicant shall submit an Ecological Management Plan and an updated Ecological Survey Report for the site for the approval of the Planning Authority.
- 10 At the detailed planning stage and in accordance with the recommendations of the Flora & Fauna Survey by Andrew Taylor a detailed bat survey shall be submitted for the site for the approval of the Planning Authority.

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

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 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.

(2) Local Applications

- (i) **12/00833/IPL – KINROSS – Substitution of requirement for a Section 75 with phosphorus mitigation conditions in accordance with Memorandum of Understanding for Planning Procedure for Applications in the Loch Leven Catchment Area dated 2013 for the erection of 2 dwellinghouses (in principle) at Hatchbank Farm, Kinross – Report 14/57 – T & L Muirhead**

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Resolved:

Grant, subject to the following conditions:

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority. The siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
- 3 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 4 The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.
- 5 The indicative plot layout and house elevation dated July 2012 and the house numbers proposed for the site are not hereby approved and are for illustrative purposes only.
- 6 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-
 - a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote property at Eriska, Cleish, Kinross KY13 0LJ has been installed.

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- b) Following the installation of the foul drainage infrastructure at the remote property the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed to the reasonable satisfaction of the Planning Authority. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained all to the reasonable satisfaction of the Planning Authority.
- 7 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Justification

The proposal is considered to comply with the Council's new guidance for applications in the Loch Leven Catchment Area.

- (ii) **13/01926/FLL – DUNNING – Erection of a meteorological mast (for a temporary period of 5 years) site at Littlerig Forest, Dunning – Report 14/58 – C Bothwell**

Resolved:

Grant, subject to the following condition:

1. Visibility splays of 2.4m x 59m to the west and 2.4m x 43m to the east measured from the centre line of the new access shall be provided along the nearside channel of the A911 and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level as indicated in drawing number 13/01976/2. In order to maintain the vertical sight line to the west the verge behind the road kerbs and the stone wall shall be reduced to road kerb top level to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses, approved under consent ref: 10/00134/FLL and subsequent modification refs: 13/00903/FLL and 13/01425/FLL.

Justification

The proposal is considered to generally comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

Informatives

All other conditions relating to planning consents 10/00134/FLL, 13/00903/FLL and 13/01425/FLL shall continue to apply.

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