

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 9 December 2015 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, I Campbell, A Cowan (substituting for Councillor M Barnacle), D Cuthbert, A Gaunt, J Giacobazzi, C Gillies, J Kellas, A Livingstone, M Lyle (up to and including Art. 795(1)(iii)) and G Walker.

In attendance: N Brian, A Condliffe, S Callan, S Dunn, A Belford, R Stewart and T Maric (all The Environment Service); C Elliott and Y Oliver (both Corporate and Democratic Services).

Apology: Councillor M Barnacle

Councillor T Gray, Convener, Presiding.

### **790. WELCOME AND APOLOGIES**

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

### **791. WITHDRAWAL OF APPLICATION**

The Committee noted the following application had been withdrawn by the applicant:

- (i) **15/01726/FLL – KINNAIRD - Alterations to outbuilding at Secret Garden, Kinnaird, Inchtute, PH14 9QY**

### **792. DECLARATIONS OF INTEREST**

Councillor M Lyle declared a non-financial interest in Art. 795(2)(i) in terms of the Councillors' Code of Conduct.

### **793. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 18 November 2015 (Arts 747-751) was submitted, approved as a correct record and authorised for signature.

### **794. DEPUTATIONS**

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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

<b>Planning Application No.</b>	<b>Art. No.</b>
15/00809/AMM	795(1)(i)
15/01237/IPM	795(1)(ii)
15/01562/FLM	795(1)(iii)
15/01036/FLL	795(2)(i)
15/01390/FLL	795(2)(ii)

**795. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 15/00809/AMM – PERTH – Erection of 164 dwellinghouses and associated works (matters specified by conditions attached to planning permission 12/01692/IPM) at land west of Cherrybank Gardens, Perth – Report 15/558 – Mr G Kerr**

N Brian, Development Quality Manager, advised the Committee that, following discussions with the applicants and the Scottish Environment Protection Agency (SEPA), should they be minded to approve the application, they accept redrafted Conditions, a set of which had been tabled at the commencement of the meeting. With reference to additional condition 27, this would result in an onsite Affordable Housing provision of 24 units on site (as opposed to 28) with 17 units (as opposed to 13 units) commuted sum at £26,500 per unit.

He also requested that, should the Committee be minded to approve the application, they agree to the following wording being added at the end of Conditions 6, 7, 8 and 9:

“...to the satisfaction of the Council as Planning Authority.”

P Macari and N Innes, on behalf of the applicants, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following redrafted Conditions; Conditions 6, 7, 8 and 9 being amended and an additional Informative No. 16 all to read 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 occupation of any residential plot, all matters regarding access, car parking, road layout, design and

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 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 Planning Authority.
- 3 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
  - 4 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings of the approved Site Layout Plan.
  - 5 For the avoidance of doubt, the proposed external finishing details and composition as currently proposed are not fully approved as part of this consent. Revised details relating to elevation finishes of the proposed dwellings, including the elevation material composition, specification and colour of the proposed external finishing materials to be applied shall be reviewed in consultation with the Council and thereafter submitted formally for the written approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall thereafter be undertaken and completed commensurate with the subsequent phases of the development.
  - 6 The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
  - 7 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
  - 8 The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
  - 9 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 10 Prior to the commencement of development full details of proposed site boundary openings forming new accesses onto both Glasgow Road and Necessity Brae shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.
- 11 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 in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.
- 12 Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
- 13 Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.
- 14 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority. On completion of development all as-built records of all SUDS shall be provided to the Council as Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 15 Prior to the completion of the development, Watercourses 1 and 2 (as referred to in the FRA) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development; all to the satisfaction of the Council as Roads Authority.
- 16 Prior to the completion of the development, Watercourses 1 and 2 (as referred to in the FRA) within the extents of the proposed development shall be inspected and repairs carried out on the watercourse where the bed/banks or other associated features have fallen into a state of disrepair; all to the satisfaction of the Council as Roads Authority.
- 17 The discharge of any surface water drainage shall be limited to 50% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Flooding Team prior to the commencement of any works on site.
- 18 No works shall take place within 10m of any flood apparatus constructed as part of the Perth Flood Prevention Scheme without the prior written approval of the Perth & Kinross Flooding Team.
- 19 Prior to the commencement of development full design of the proposed culverts including maintenance strategy shall be submitted and agreed in writing with the Council as Planning Authority in consultation with the Flood Risk team. For the avoidance of doubt the culverts from watercourses 2 and 2a must be connected to the existing M90 culvert as part of the drainage strategy.
- 20 No development shall be occupied on any phase of the site until the local road network improvements identified in the Transport Assessment have been implemented and made operational to mitigate the traffic implications of each development phase, to the satisfaction of the Planning Authority.
- 21 No part of the development shall be occupied until either the works/arrangements for, improvement of the A9/M90 Broxden Roundabout Junction as generally in accordance with JMP Drawing No. SCT-3440-NW-001 is constructed and completed to the satisfaction of the Planning Authority after Consultation with Transport Scotland,  
or  
A Section 48 Agreement (Roads Scotland Act 1984) between the applicant and Transport Scotland for an agreed financial contribution in lieu of said physical works, including any associated utility works, must be concluded.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 22 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
- 23 Prior to the occupation of any residential plot, details of the two bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
- 24 All windows shall be provided with suitable acoustic insulation with a sound reduction index equivalent to >30 dB RWA and all windows should be provided with trickle vents with a sound reduction index equivalent to 35 dB RWA.
- 25 Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.
- 26 Prior to the commencement of development a scheme of mitigation to improve air quality shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall be implemented before the occupation of that phase of the development all to the satisfaction of the Council as Planning Authority.
- 27 For the avoidance of doubt consent is hereby not granted for Plots 164-167 as shown on the Site Layout Plan (Drawing No: 15/00809/50 – PB/SK01 Rev M) and details for its replacement landscaping and planting scheme shall be submitted to the Planning Authority for further approval prior to the commencement of development. The agreed detail shall thereafter be implemented prior to the completion of the 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.

### **Procedural Notes**

Consent shall not be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 15/00809/AMM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing provision and contribution;
- Education contribution;
- Open space provision /maintenance;
- Play area infrastructure provision and maintenance;
- Culvert maintenance.

**Informatives**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 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.
- 5 The applicant is advised that this permission relates to just three of the four residential phases of the 12/1692/IPM planning approval for residential and employment uses of LDP site MU1. Further applications will be required to discharge the same conditions for the remaining residential phase and employment phases.
- 6 The applicant is advised that to enable any negative suspensive conditions to be fulfilled development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 7 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.
- 8 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 9 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 10 Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
- 11 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 12 The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 13 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
- 14 No work shall be commenced until an application for building warrant has been submitted and approved.
- 15 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 16 The applicant should be aware that the street lighting scheme to be submitted to the Council as Roads Authority as part of their Construction Consent application should include the use of LED lights.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- (ii) **15/01237/IPM – CRIEFF - Mixed use development (residential and employment), provision of open space, landscaping, formation of access roads, footpaths and cycle ways, associated drainage works and ancillary facilities at land 300 metres South West of Tighnacaille, Broich Road, Crieff – Report 15/559 – Robert Simpson & Son**

A Condliffe, Applications Team Leader, requested the Committee that, should they be minded to approve the application, amended Conditions 5 and 6 be also agreed.

A Birnie, on behalf of the applicants and Ms Jean Ann Scott Miller, on behalf of Crieff Community Council, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and informatives and amended Conditions 5 and 6 as undernoted:

- 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 No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
  - (i) a revised phasing plan for the whole site;
  - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- (iii) the siting, design, height and external materials of all buildings or structures;
  - (iv) the details of all access points, roads, parking footpaths and cycleways throughout the development;
  - (v) details of any screen walls/fencing to be provided;
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vii) details of all landscaping, structure planting and screening associated with the development;
  - (viii) full details of the proposed means of disposal of foul and surface water from the development.
- 3 Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below.
- (i) phase 1 and 2 of the employment land development must be fully serviced before the occupation of the first residential dwelling;
  - (ii) phase 3 and 4 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings;
  - (iii) the structure planting required by condition 2(vi) of this consent must be planted along the site boundary with the Arnbro caravan site before the start of construction of residential dwellings.
- 4 Notwithstanding the details on the indicative masterplan and prior to the commencement of any works in connection with each phase a development brief shall be provided for the area covered. The briefs shall specify:
- (i) the height and appearance of all new structures;
  - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
  - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
  - (iv) the lighting of all streets and footpaths;
  - (v) the layout of play areas and the equipment to be installed;
  - (vi) maintenance of all open space and treed areas not included in private house plots;
  - (vii) details of car charging points to be provided within the development.

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

- 5 No part of the development shall commence until a Section 69 Agreement (Local Government Act 1973) has been agreed between the applicant and the Council for a financial contribution towards a road improvement scheme (including public transport)

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- that mitigates the impact of the proposed development on the local road network. The details of this provision shall be agreed in writing with the Council as Planning Authority.
- 6 No part of the employment land shall be occupied until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided regarding the system of management, monitoring, review, reporting and the duration of the plan.
- 7 The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance approved in November 2012 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
- 8 The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in November 2012 all to the satisfaction of the Council as Planning Authority.
- 9 Following consultation with Historic Environment Scotland and Perth and Kinross Heritage Trust no development shall take place until the sensitive design of the development to protect Scheduled Monument 9135 and its settings will be submitted to and approved by the Planning Authority in agreement with both.
- 10 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.
- 11 Prior to the commencement of any works, full details of the finalised SUDS scheme including Drainage Impact Assessment for all individual phases of development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.
- 12 At least two months prior to the commencement of any works, a site specific Construction Environmental Management Plan (CEMP) must be submitted for each phase of development for the written approval of the Planning Authority in consultation with SEPA and other agencies such as SNH as appropriate and all work shall be carried out in accordance with the approved plan.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 13 Prior to the commencement of any works, a site waste management plan shall be submitted for each phase of development, for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.
- 14 Prior to the commencement of any works a lighting scheme for the development site shall be submitted to and approved in writing by the Planning Authority. Once approved, the lighting installation shall be implemented in accordance with the approved details as part of the works on site.
- 15 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc, must be designed and installed so as to prevent noise disturbance to adjoining properties.
- 16 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
- 17 A scheme of mitigation to improve air quality shall be submitted to the Local Planning Authority as part of the matters specified by condition application. The approved scheme shall be implemented before the occupation of each phase of the development all to the satisfaction of the Council as Planning Authority.
- 18 A Noise Impact Assessment shall be submitted to the Local Planning Authority as part of the matters specified by condition application. The approved scheme shall be implemented before the occupation of each phase of the development all to the satisfaction of the Council as Planning Authority.
- 19 Schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority as part of the matters specified by condition application for each phase of development.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.
- 20 All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.
- 21 Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.
- 22 The Ecology Survey undertaken for this application shall be updated and re-submitted to the Local Planning Authority as part of the matters specified by condition application.
- 23 A full tree survey shall be undertaken and submitted to the Local Planning Authority as part of the matters specified by condition application.
- 24 As part of the matters specified by condition application an intrusive contaminated land investigation should be undertaken to identify:
- I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

**Justification**

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

**Procedural Notes**

A Section 69 Agreement (Local Government Act 1973) will need to be agreed in relation to a financial contribution towards local and trunk road infrastructure improvements (including public transport provision) that will be undertaken by the Council.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

**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 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 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.
- 4 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 6 The definition of 'fully serviced business land' in Condition 3 means the delivery of road infrastructure (including service road and pavements with access/junctions into business land plots, street lighting, road signage and sustainable urban drainage scheme) with services provided to each business plots access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
- 7 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 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.
- 8 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 9 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 10 Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders and wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction – A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
- 11 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 12 The applicant is advised that the works may need a licence under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 13 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Councillor A Cowan moved an amendment for deferral of the application for further information on possible roads improvements but, having failed to secure a Secunder, the Amendment subsequently fell.

- (iii) **15/01562/FLM – COUPAR ANGUS - Installation of underground cables and temporary ancillary infrastructure between Tullymurdoch Wind Farm, Welton of Creuchies Wind Farm to the Coupar Angus substation – Report 15/560 – Welton of Creuchies Wind Generating Co Ltd & Tullymurdoch Ltd**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

N Brian, Development Quality Manager advised the Committee that, should they be minded to approve the application, they also approve an additional Condition 13 relating to the removal of temporary compounds.

S McAleese, agent, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and informatives and an additional Condition 13:

- 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 permission.
- 2 Prior to the commencement of the development hereby approved, a full site specific Construction Method Statement (CMS) shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SEPA and SNH. The CMS contained within the Environmental Statement can form the basis for the full site specific CMS. The CMS should incorporate the principles of all proposed pollution prevention and mitigation measures. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.
- 3 A private Water Management Plan (WMP) shall be submitted to and approved in writing by the planning authority prior to commencement of the development in consultation with SEPA and the Council's Environmental Health Section. The WMP shall include:-
  - i) details of proposed methods of alerting affected individuals as a result of a contamination issue arising from the development should be included along with alternative water supply arrangements.
  - ii) a plan for groundwater flow monitoring at the Chapelton Farm supply source. The monitoring should be undertaken at least 2 months before the commencement of the works and carried out at suitable intervals to establish the minimum background flow to be preserved throughout the year. Monitoring will be carried on during and after the cable installation at suitable frequency for a period of 1 year.
  - iii) a construction methodology for the meltwater channel that acts as a source for the Chapelton Farm supply, which will include, impermeable bunds appropriately spaced along the trench excavation to avoid the creation of a groundwater preferential pathway parallel to the meltwater channel.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- iv) In the eventuality that a significant reduction of groundwater flow is noted then the applicant will be requested to provide an alternative water supply at Chapelton Farm as proposed in the letter from Arcus dated 9 November section 5.1.2 'Permanent Mitigation Measures'.

Thereafter the development shall be fully undertaken in accordance with the agreed water management plan.

- 4 Prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with SNH, the implementation of all ecology related planning conditions throughout the construction of the underground cabling. The ECOW shall undertake a watching brief throughout the construction of the cable and compounds and shall have the authority to stop operations or to alter construction methods should there be any works occurring which is having an adverse impact on the natural heritage.
- 5 The ECOW shall have responsibility for the following:-
  - i) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
  - ii) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
  - iii) Advising on the acceptability of micro-siting the cable if any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.
- 6 The ECOW is required to notify the Planning Authority:-
  - i) If there has been a requirement to stop or alter works in relation to this condition.
  - ii) They are required to submit a monthly report for the review of the Planning Authority during construction operations.
  - iii) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 7 Prior to construction commencing measures for the protection of/ or benefits to European and other protected species, including the formation of any species protection plans and implementation measures for any such plans shall be submitted for the written approval of the Planning Authority in consultation with SNH. Thereafter the species protection plan shall be implemented in accordance with the approved documentation all to the satisfaction of Planning Authority.
- 8 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/ or any works proposed to the right of way/ core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan to the satisfaction of the Council as Planning Authority.
- 9 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.
- 10 A fully detailed landscaping mitigation plan which will ensure there is no net loss of trees and hedging associated with any felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority within one month of the cable installation. The approved scheme shall be fully implemented to the satisfaction of the Planning Authority no later than the first planting season following approval of the mitigation plan. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure.
- 11 The cable shall be laid in the position indicated in Figures 2.1 to 2.14, save for the ability to vary the indicated position of the cable by up to 15 metres either side of the approved cable alignment under the supervision of the ECOW appointed under condition 4 above. Variation between 15 and 30 metres in the position of the proposed cable alignment, but within the application site boundary, shall only be permitted with the prior written approval of the Planning Authority.
- 12 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

- 13 The eight temporary compounds shall be removed and the ground fully reinstated to the satisfaction of this Council as Planning Authority, within 2 months of the date of this consent.

**Justification**

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

**Informatives**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 4 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.
- 5 The applicant should ensure that any existing way leaves 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.
- 6 The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland)

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/pipe work and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

COUNCILLOR M LYLE, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE MEETING AT THIS POINT

**(2) Local Applications**

**(i) 15/01036/FLL – CRIEFF – Formation of 2 all-weather pitches, access and carpark, erection of fencing, floodlighting and associated works at Dallerie Sport Pitches, Dallerie, Crieff – Report 15/561 – Morrison’s Academy**

Mr D Gorrie, objector, and Mr A Snowball, on behalf of Crieff Community Council, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

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

- 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 permission.
- 2 The hours of operation of the pitches and floodlights shall be limited to 09:00 hours to 21:00 hours Monday to Sunday, to the satisfaction of the Council as Planning Authority.
- 3 All external lighting must be installed, sufficiently screened and aligned so there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised, all to the satisfaction of the Council as Planning Authority.
- 4 A suitable noise management plan must be prepared and submitted for the approval in writing by the Council as Planning Authority prior to the use of the development. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 5 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority
- 6 With the exception of the hedge / tree removals shown in red on plan 15/01036/7, all existing trees / hedges along

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

the site's boundaries and those immediately outwith the site's boundaries but within the control of the applicant to the east of the site, shall be retained and protected during the course of construction. Prior to the commencement of any works on site, a detailed landscaping scheme (including timescales for implementation) shall be submitted for the approval in writing by the Council as Planning Authority. That plan must include full details of the root protection areas (to British Standards) for all the existing trees and hedges, and shall be implemented in full within the agreed timescales, all to the satisfaction of the Council as Planning Authority.

- 7 For the avoidance of doubt, the temporary equipment store is not approved.
- 8 Prior to the commencement of any works on site, details of the colour of the proposed floodlighting columns and the perimeter fencing shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, all to the satisfaction of the Council as Planning Authority.
- 9 Prior to the commencement of any works on site, precise details of the proposed re-routing / upgrade of the existing public sewer pipe which affected the site shall be submitted for the approval in writing by the Council as Planning Authority, in consultation with SEPA and Scottish Water. The approved measures shall be implemented, prior to the operation of the new pitches commencing.
- 10 Prior to the commencement of any works on site, precise details of the means of surface water disposal shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full as the development progresses, to the satisfaction of the Council as 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**

- 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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

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 must comply fully with the requirements of Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) in relation to the discharge into an existing water course.

5 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
- Readily visible to the public
- Printed on durable material.

**(ii) 15/01390/FLL – LONGFORGAN – Erection of 8 dwellinghouses, Rawes Farm Steading, Longforgan – Report 15/562 – Hadden Construction**

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

**Resolved:**

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

- 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 commencement of any works on site, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. That plan must clearly show all existing trees which are located within the site and along its boundaries. The approved plan shall be implemented in full as the development progresses, all to the satisfaction of the Council as Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

- 3 All existing trees within the site's boundaries, as identified through condition 2 shall be retained and adequately protected during the course of construction. Prior to any works commencing, details of the proposed protection measures must 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.
- 4 Prior to the commencement of any works on site, full details of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented as part of the development, to the satisfaction of the Council as Planning Authority.
- 5 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed measures to deal with contamination during construction works
  - III. condition of the site on completion of decontamination measures.

Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

**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 Notes**

No formal planning consent shall be issued until such time as the following Developer Contributions have been secured:

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
9 DECEMBER 2015

Contribution	Amount
Affordable Housing	£19,875 (£26,500 x 0.75)
Primary Education	£14,388.75 (£6,395 x 2.25)
Total of Contributions	<u>£34,263.75</u>

The applicant has indicated that it is his intention to make the required payment 'upfront' to negate the need for any legal agreements to secure payment. This payment must be received within 28 days from the date of the committee; otherwise the application will be refused under delegated powers. However if the applicant opts to delay the payment then that legal agreement must be concluded within a 4 months' timescale from the date of this Committee, otherwise the planning application will be refused under delegated powers

**Informatives**

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

~~~~~