

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 21 August 2013 at 10.00am.

Present: Councillors T Gray, B Band (up to and including Art. 481(3)(v), with the exception of Art. 481(1)(iii)), H Anderson, M Barnacle, I Campbell, D Cuthbert (substituting for Councillor A Jack), A Gaunt (with the exception of Art. 481(1)(i), 481(3) (vi) and 481(3)(vii)), J Giacomazzi, C Gillies (up to and including Art. 481(3)(v)), J Kellas, A Livingstone, M Lyle (with the exception of Art. 481(3)(vi) and 481(3)(vii)) and G Walker.

In Attendance: Councillor J Flynn (up to his deputation for Art. 481(3)(iv)); N Brian, A Condliffe, J Thomson, K Steven, S Knowles, M Barr, J Russell and A Bendall (up to and including Art. 481(1)(iii)) and J Russell (up to and including Art. 481(2)(i)) (all The Environment Service); B Reid and N Lennon (both Education and Children's Services); G Fogg, S Hendry (up to and including Art. 481(1)(iii)) and Y Oliver (all Chief Executive's Service).

Apology for Absence: Councillor A Jack.

Councillor T Gray, Convener, Presiding.

### **478. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, declarations of interest were declared as follows:

- (i) Councillor B Band declared a non-financial interest in Art. 481(1)(iii);
- (ii) Councillor A Gaunt declared a non-financial interest in Arts. 481(1)(i); 481(3)(vi) and 481(3)(vii); and
- (iii) Councillor M Lyle declared a non-financial interest in Arts. 481(3)(vi) and 481(3)(vii).

### **479. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 17 July 2013 (Arts. 433-437) was submitted, approved as a correct record and authorised for signature.

### **480. DEPUTATIONS**

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

Planning Application No.	Article No.
13/00089/FLL	481(3)(ii)
13/00615/IPL	481(3)(ii)
13/00645/FLL	481(3)(iv)

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

13/00658/IPL	481(3)(v)
13/00691/FLL	481(3)(vi)
13/00692/FLL	481(3)(vii)
13/00903/FLL	481(3)(ix)

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

**481. APPLICATIONS FOR DETERMINATION**

**(1) Applications Previously Considered**

*COUNCILLOR A GAUNT, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT.*

- (i) 12/02160/FLL – AUCHTERARDER – Formation of a roundabout and ancillary works, land south of South Lodge, Windsole, Auchterarder – KW Properties Ltd – Report 13/387**

**Resolved:**

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

1. Prior to the occupation and use of the approved development all matters regarding 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 Planning Authority.
2. Prior to the commencement of the development, full details of the landscaping specification shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme shall include hard and soft landscaping (materials/specification/sizes/planting and aftercare arrangements), boundary treatments, and tree/shrub planting, particularly including these proposals within the vicinity of Castle Garrick and South Lodge. The scheme as subsequently approved shall be implemented as part of the site development programme and completed by the second planting season following completion of the works.
3. Any planting which fails to become established shall be replaced by the next available planting season, unless otherwise agreed, 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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

**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. The applicant should be advised in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The 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.
6. Prior to the commencement of work on site, the applicant should secure Roads Construction Consent from the Council as Roads Authority.

*COUNCILLOR A GAUNT RETURNED TO THE CHAMBERS AT THIS POINT.*

- (ii) **13/00117/FLL – BLAIRINGONE – Change of use and extension of existing building to form a stable block at Cairnfold Farm, Blairingone – Mrs J Murray – Report 13/388**

**Resolved:**

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

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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

2. Prior to construction of the approved development one passing place is to be provided on the D6 public road, at a location and to a specification to be agreed with Fife Council as Roads Authority and Perth and Kinross Council as Planning Authority.
3. Any external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
4. Prior to the operation of the stables/equestrian facility a waste management and removal system for all manure from the site will be agreed in writing with the Planning Authority and thereafter implemented in full so as to ensure that odour is kept to a minimum.
5. Prior to the commencement of any works on site further details of the proposed planting shall be submitted for the approval in writing by the Council as Planning Authority. The scheme as approved shall be implemented as part of the site development programme within the first available planting season.
6. The stable block shall be used solely for domestic purposes ancillary to the existing dwelling on the site and not as a commercial operation. For the avoidance of doubt no horses not in the ownership of the applicant shall be accommodated on the site, only vehicles associated with the applicant's horses shall visit the premises and no livery or other facility shall be available to any third party.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

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 may be required.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from Fife Council and Perth and Kinross Council as Roads Authorities 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.
6. 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.
7. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
8. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
9. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

*COUNCILLOR B BAND, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT.*

- (iii) **13/00723/FLL – PERTH – Formation of synthetic grass sports pitch, with 5m high fenced enclosure and 8 floodlights at Perth Academy, Murray Place, Perth – Perth and Kinross Council – Report 13/389**

**Motion (Councillors J Kellas and T Gray) – 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.**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

2. **Prior to the commencement of development the details and specification of the fencing surrounding the sports pitch shall be submitted to and approved in writing by the local Planning Authority in consultation with the Environmental Health section. The specification shall specifically address a design that shall reduce noise when struck by balls. Thereafter the approved specification shall be implemented and maintained all to the reasonable satisfaction of the local Planning Authority.**
3. **The floodlighting associated with the new multi purpose sports pitch shall only be operational between 08.00 hours to 22.00 hours Monday to Sunday.**
4. **All floodlighting associated with the new multi purpose sports pitch shall be installed and aligned to the satisfaction of the local Planning Authority in consultation with the Environmental Health section so as to ensure that light spillage beyond the boundaries is minimised and maintained as such.**
5. **Prior to the commencement of works on site, details of a replacement tree of an appropriate species and size shall be submitted to the Council as Planning Authority for further written agreement. The replacement tree shall be located within the school grounds in such a position as to be able to accommodate the memorial seat and plaque at its base. Should the tree fail to become established within five years it shall be replaced in the following planting season with another of a similar size and species 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 which would justify a departure therefrom.**

**Informatives**

1. **This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).**
2. **Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

**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 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**
- 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.**

Amendment (Councillors H Anderson and J Giacobazzi) – Refuse, as the proposal is contrary to Policies 41 and 52 of the Proposed Local Development Plan (PLDP) and Policy PM1 Placemaking in that (i) it will significantly affect the character or amenity of the area concerned; (ii) it will erode an area of public and private open space and recreation; and (iii) it will not contribute successfully to the quality of the surrounding built and natural environment.

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

6 Members voted for the Amendment as follows:  
Councillors H Anderson, M Barnacle, I Campbell, J Giacobazzi, C Gillies and D Cuthbert.

6 Members voted for the Motion as follows:  
Councillors T Gray, A Gaunt, J Kellas, A Livingstone, M Lyle and G Walker.

Amendment – 6 votes

Motion – 6 votes

In accordance with the Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

**Resolved:**

In accordance with the Motion.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

*COUNCILLOR B BAND RETURNED TO THE CHAMBERS AT THIS POINT.*

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**(2) Major Applications**

- (i) 12/01692/IPM – PERTH – Mixed use development incorporating housing, employment land (Class 4), new vehicular access and pedestrian access, open space, landscaping and associated infrastructure (in principle) on land to the West of Cherrybank Gardens, Perth – John Dewar Lamberkin Trust and Needhill LLP – Report 13/390**

**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. No works in connection with the development hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
  - (i) a phasing plan for the whole site;
  - (ii) an updated masterplan which shall include a road link from residential phase 1 to connect to the site boundary with Cherrybank Gardens;
  - (iii) details of all cut and fill operations in the construction of development phases, including the formation of a 4.0 metre bund to the south east corner of the site;
  - (iv) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

of the development phase, relative to existing ground levels and a fixed datum point. A 5.0 metre maintenance strip along both banks of each watercourse running through the site shall be incorporated into the levels survey with floor levels of properties adjacent to maintenance strip being 0.4 metres higher than the outer level associated with the maintenance strip;

- (v) the siting, design, height and external materials of all buildings or structures;
  - (vi) the details of all roads, footpaths and cycleways throughout the development;
  - (vii) details of any screen walls/fencing to be provided;
  - (viii) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (ix) details of all landscaping, planting and screening associated with the development; and
  - (x) 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 of the business land development must be fully serviced before the occupation of the first residential dwelling associated with phase 3;
  - (ii) phase 2 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4;
  - (iii) the road link required by condition 2(ii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site before the occupation of 50% of the residential dwellings associated with phase 4;
  - (iv) the 4.0 metre bund required by condition 2(iii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site and landscaped before the start of construction of residential dwellings associated with phase 3.

Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the Planning Authority.

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;

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- (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;
- (viii) appropriate layout design measures should be incorporated into the residential phases to reduce noise within gardens and at first floor bedrooms on exposed elevations. Houses within the application site facing the M90 with direct line of sight should be orientated so that private gardens are sheltered from motorway noise. All windows should be provided with suitable acoustic installation with a sound reduction index equivalent to 30dB RWA. All windows should be provided with trickle vents and a sound reduction index equivalent to 35 dB RWA.

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

- 5. A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for each phase for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of dwellings or buildings associated with that phase of development. The scheme shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C697) and should incorporate source control.
- 6. Where any watercourse crossings are required, details of the proposed water crossings shall be submitted as part of the matters specified by condition application for that phase of development and thereafter installed to the satisfaction of the Planning Authority.
- 7. Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Water, and thereafter complied with.
- 8. Schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

application for that 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;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

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

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

9. No development shall commence on any phase of the site until the core path network has been upgraded to mitigate the impact of that development phase all to the satisfaction of the Planning Authority in consultation with the Greenspace Team.
10. No development shall be occupied on any phase of the site until the local road network improvements identified in the Transport Assessment report dated 08 April 2013 by JMP Consultants Limited have been implemented and made operational to mitigate the traffic implications of each development phase, to the satisfaction of the Planning Authority.
11. No part of the development shall commence until provision has been made towards a road improvement scheme that mitigates the impact of the proposed development on the Trunk Road Network. The details of this provision shall be agreed in writing with the Planning

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- Authority in consultation with Transport Scotland Trunk Road Network Management Directorate.
12. No part of the commercial development 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.
  13. 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.
  14. 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.
  15. 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 development shall be fully undertaken in accordance with the approved CEMP.
  16. Prior to commencement of development, a detailed Site Waste Management Plan (SWMP), including specific measures to minimise the use of raw materials and methods to reduce, re-use or recycle waste material on site where appropriate, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date. Thereafter the development shall be fully undertaken in accordance with the approved SWMP.
  17. The lighting scheme for the development site shall be submitted to and approved in writing by the Planning Authority. Once approved, the lighting installation shall

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- be implemented in accordance with the approved details as part of the works on site.
18. 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.
  19. 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.
  20. No development phase shall commence until detailed calculations have been provided and approved in writing by the Planning Authority in consultation with the Flooding Section to confirm that flows through culverts within the site and on the A93 can be conveyed. Should the culverts fail to convey the 1/200 return period flow then mitigation measures shall be submitted for written approval by the Planning Authority and thereafter installed and delivered prior to the occupation of dwellings or buildings associated with that phase of development.
  21. A scheme of mitigation to improve air quality shall be submitted to and approved in writing by the local Planning Authority prior to commencement of development. 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.

**Justification**

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

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. 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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

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 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.
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 applicant is advised to take cognisance of Transport Scotland's consultation response on the planning application when formulating their documentation to discharge Condition 11 which relates to the Trunk Road Network.
7. 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 plot's access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
8. 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.
9. 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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
10. 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.
  11. 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 and the Paths for All Partnership.
  12. 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.
  13. 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)
  14. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

**(3) Local Applications**

- (i) 12/01753/FLL – LAWERS – Erection of 3 chalets, associated function suite and a dwellinghouse at Land at Craggantoul Farm, Lawers – Mr G Deacon – Report 13/391**

**Resolved:**

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

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. The holiday chalets (plots 1, 3 and 5) hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

3. The dwellinghouse (plot 2) hereby approved under this consent shall remain in the same ownership as Craggantoul Farm. The dwelling shall be occupied only by a person employed or last employed at Craggantoul Farm (but including a widow or widower of such a person) all to the satisfaction of the Council as Planning Authority.
4. The dwellinghouse (plot 2) hereby approved shall only be occupied upon completion of the approved chalets and function suite all to the satisfaction of the Council as Planning Authority.
5. No development shall take place within the development site as outlined 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 the Perth and Kinross Heritage Trust.
6. No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority about MPK5216 and MPK17340. Also, no works shall take place within the area inside that fencing without the prior agreement of the Planning Authority and Perth and Kinross Heritage Trust.
7. The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is perceptible in any nearby noise-sensitive property.
8. Prior to the commencement of any development on site a detailed specification of all proposed finishing materials shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
9. All trees marked for retention on the approved plans shall be protected with all measures complying with the recommendations of BS 5837: 2012 Trees in Relation to Design, Demolition and Construction. All protective tree fencing required by this condition shall be erected prior to the commencement of any other works on site and shall remain in place for the duration of construction works.
10. All replacement planting outlined on the plans hereby approved shall be planted during the development of the site and completed in its entirety prior to the occupation of the relevant part of the site to which the planting relates. Any planting failing to establish after 5 years shall be

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

11. All footpaths and driveways adjacent to trees shall be constructed using a geo textile membrane to ensure the roots of retained trees are not damaged.

**Justification**

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

**Procedural Note**

No consent shall be issued until the applicant has a paid a contribution of £6395 towards education infrastructure in the local area.

**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 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).
4. The applicant shall ensure the private water supply for the house/development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework 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.
5. No work shall be commenced until an application for building warrant has been submitted and approved.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

6. No consent shall be issued until the applicant has paid £6395 towards Education Infrastructure.

**(ii) 13/00089/FLL – PITLOCHRY – Engineering works to pond at Land to the East of the U165, Donavoured – Braemore Estates – Report 13/392**

Mr W Frame, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Defer**, for clarification by the applicant of what exactly is being applied for.

**(iii) 13/00615/IPL – ALYTH – Residential development (in principle) at Land Between Loyal Road and Airlie View, Alyth – Mrs Lynne Thomson – Report 13/393**

Ms L Crisp, on behalf of objectors to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

**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, a detailed flood risk assessment, a detailed drainage investigation and a wildlife survey of the site.
3. 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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

by the Council as Roads Authority and to the satisfaction of the Planning Authority. Additional access points to the site should be explored to ensure that the layout accords with the Scottish Government's Designing Streets policy.

4. Unless otherwise agreed in writing, all trees shall be retained to the satisfaction of the Council as Planning Authority.
5. The proposal must accord fully with the Council's approved Developer Contributions 2012 document.
6. The proposal must accord fully with the Council's approved Affordable Housing Policy 2005.
7. The numbers of dwellings are not approved as part of this consent.

**Justification**

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

**Informatives**

1. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. 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.
3. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
4. The applicant should be aware of existence of the core path, right of way and Catearan Trail which runs north-west of the site. It is recommended that these paths should be excluded from any construction traffic movements.
5. The applicant is advised that there are septic tanks located within the application site and the applicant should ensure these are dealt with satisfactorily when designing the proposed development.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- (iv) **13/00645/FLL – PERTH – Alterations and extension of dwellinghouse to form granny annex and erection of a garage/workshop at 62 Feus Road, Perth – Mrs L Rance – Report 13/394**

Councillor J Flynn, on behalf of objectors to the application and as one of the elected members representing Ward 11, addressed the Committee and, in terms of the Councillor's Code of Conduct, left the Chambers at this point and took no further part in the discussion and debate thereof; Mrs L Rance, applicant and Mr D Wright, on behalf of objectors to the application, also addressed the Committee and, following their respective representations withdrew to the public bench.

**Motion (Councillors J Kellas and J Giacomazzi) – Grant, subject to the following conditions and an additional Condition 4 as undernoted:**

1. **The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.**
2. **The domestic garage/workshop authorised by this consent shall be used solely for purposes incidental to the enjoyment of the dwelling house.**
3. **The extension shall be used for ancillary accommodation to the existing dwelling only and shall not be used or occupied as a separate dwellinghouse.**
4. **The proposed additional ground floor windows on the north-west and south-east facing elevations shall be fitted with obscure glazing prior to being brought in to use and shall be permanently maintained thereafter to the satisfaction of this 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.**

**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**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

**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. No work shall be commenced until an application for building warrant has been submitted and approved.**

Amendment (Councillors C Gillies and M Lyle) – Refuse, on the grounds that the proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 and Policy RD1 of the Proposed Local Development Plan in that it is unacceptable in terms of scale and design and it will unduly impact on the amenity of the neighbouring dwellinghouses.

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

3 Members voted for the Amendment as follows:  
Councillors Gillies, Livingstone and Lyle.

10 Members voted for the Motion as follows:  
Councillors Gray, Band, Anderson, Barnacle, Campbell, Gaunt, Giacomazzi, Cuthbert, Kellas and Walker.

**Resolved:**

In accordance with the Motion.

- (v) **13/00658/IPL – CROOK OF DEVON – Erection of a dwellinghouse (in principle) at Land 40 metres West of Devon Lade, Main Street, Crook of Devon – Mr Alexander Garden – Report 13/395**

Mr J Pritchard, agent on behalf of the applicant, accompanied by Mrs Garden, applicant, followed by Mrs J Donachie, on behalf of objectors to the application, addressed the Committee and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and an additional Condition 7, as undernoted:

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- a) 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, relative to existing ground levels and a fixed datum point;
  - b) The siting, design, height and external materials of all buildings or structures;
  - c) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities;
  - d) Details of all landscaping, planting, screening and boundary treatment;
  - e) A detailed tree survey to the requirements of BS 5837:2012 to indicate those trees required for removal and those to be retained and protection measures for retained trees.
2. In pursuance of Condition 2a) the scheme shall include:
- i) A detailed levels survey to indicate that the finished floor level of the house is at a minimum level of 144.38m AOD;
  - ii) A detailed levels survey to indicate that the proposed house is located outwith the 1 in 200 year flood risk area and that any land raising required, in relation to both the house and the access, is located outwith the functional flood plain (above 143.78m AOD). Details of all land raising required shall be clearly indicated on both the site plan and detailed cross section drawings.
3. In pursuance of Condition 2c) the scheme shall include:
- i) Turning facilities to enable all vehicles to enter and leave in a forward gear which shall be formed prior to the occupation of the dwellinghouse;
  - ii) A layout to accommodate a minimum of two car parking spaces which shall be formed prior to the occupation of the dwellinghouse;
  - iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse.
4. In pursuance of Condition 2e) the scheme shall include: A detailed tree survey and tree constraints plan in accordance with BS5837:2012 Trees in relation to construction:
- (a) The tree survey shall clearly indicate the location of trees and their crown spread which are within or bordering the site on a scalable plan, allocate them a reference number, provide an assessment of their general state of health and stability and provide details of any topping, lopping or felling required.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- (b) A tree constraints plan which shall clearly detail the trees to be retained and identify their root protection area (RPA) on a scalable plan; the location of protective fencing for the retained trees shall be marked on this plan and a specification of the protective fencing provided. Any works required to be undertaken within the RPA of the retained trees shall be detailed. The tree constraint plan shall also show details of those trees proposed for removal. The exact position of the proposed access track shall also be indicated on this plan and the detailed method for constructing the access to ensure the protection of adjacent trees annotated on the plan.
  - (c) That the erection of protective fencing shall be undertaken in accordance with the plan and fencing specification approved under section (b) of this condition before any equipment, machinery or materials are brought on to the site for the purposes of the development. Thereafter the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made unless details have been approved under paragraph (b) or written consent from the Planning Authority has been sought.
5. 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.
  6. 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. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.
  7. The dwellinghouse shall be limited to single-storey accommodation only.

**Justification**

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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

**Informatives**

1. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. No work shall be commenced until an application for building warrant has been submitted and approved.

*COUNCILLORS B BAND, C GILLIES AND G WALKER LEFT THE CHAMBERS AT THIS POINT.*

*COUNCILLORS A GAUNT AND M LYLE, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING TWO APPLICATIONS, LEFT THE CHAMBERS AT THIS POINT.*

**(vi) 13/00691/FLL - KINFAUNS – Erection of a dwellinghouse at land 300 metres west of Kingswells, Kinfauns – Mr Nigel Lowe – Report 13/396**

Mr M Richardson, on behalf of the applicant, and Ms E Rowley, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. As the proposal is located within an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.
2. As a result of the proposal a) being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000) and b) being located within the Green Belt, the proposal is contrary to the Council's Housing in the Countryside Guide (2012) which seeks a) to ensure that Local Plan policies relating to specific designations are complied with and b) states that the policy does not apply within the Green Belt.
3. As the proposal does not have a good existing landscape framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

developments within the landward area have a good existing landscaping framework.

4. As the site is located within an area identified as Green Belt, the proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Council Proposed Local Development Plan 2012 which explicitly states that the Housing in the Countryside Policy does not apply in the Green Belt.

**Justification**

The proposal is considered to be contrary to the Development Plan and there are no material considerations which justify approval of the application.

**(vii) 13/00692/FLL – KINFAUNS – Erection of two dwellinghouses on land 300 metres east of Kingswells, Kinfauns – Mr Nigel Lowe – Report 13/397**

Mr M Richardson, on behalf of the applicant, and Ms E Rowley, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. As the proposal is located within an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.
2. As a result of the proposal a) being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000) and b) being located within the Green Belt, the proposal is contrary to the Council's Housing in the Countryside Guide (2012) which seeks a) to ensure that Local Plan policies relating to specific designations are complied with and b) states that the policy does not apply within the Green Belt.
3. As the proposal does not have a good existing landscape framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new developments within the landward area have a good existing landscaping framework.
4. As the site is located within an area identified as Green Belt, the proposal is contrary to Policy NE5: Green Belt of

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

the Perth and Kinross Council Proposed Local Development Plan 2012 which explicitly states that the Housing in the Countryside Policy does not apply in the Green Belt.

**Justification**

The proposal is considered to be contrary to the Development Plan and there are no material considerations which justify approval of the application.

*COUNCILLORS A GAUNT AND M LYLE RETURNED TO THE CHAMBERS AT THIS POINT.*

- (viii) **13/00881/IPL – AUCHTERARDER – Renewal of Planning Permission for the Erection of 11 dwellinghouses and formation of associated road (in principle) on land to the North East of Geddochie, Abbey Road, Auchterarder – Mr Michael Hally – Report 13/398**

**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. The submission of detailed landscaping proposals referred to in Condition no 2 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

4. The indicative site layout and drainage design, including the number of units, is not approved.
5. The site layout shall be designed in accordance with Scottish Planning Policy for Scotland, Designing Streets to the standard and specification required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
6. Prior to the occupation or use of the approved development all matters regarding access, car parking, secure cycle storage, 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 Planning Authority.
7. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
8. The recommendations of the Tree Survey dated 23/11/2008 shall be implemented prior to the commencement of any development on site and a further detailed assessment of the trees listed on Table 2, page 8 of the survey shall be undertaken prior to the commencement of any development on site.
9. Development shall not begin until a scheme to assess and deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
  - (i) the nature, extent and type(s) of contamination on the site
  - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
  - (iii) measures to deal with contamination during construction works
  - (iv) condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

- scheme's proposals have been fully implemented must be submitted to the Planning Authority.
10. 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.
  11. 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.
  12. The development shall be in accordance with the requirements of the Council's A9 Auchterarder – Developers Contributions Policy all to the satisfaction of the Council as Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no material considerations which would justify a departure in this instance.

**Informatives**

1. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
2. 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.

**(ix) 13/00903/FLL – KILMAGADWOOD – Modification of existing consent (10/00134/FLL) Change of house type (Plot 1) on land north of Kilmagadwood Cottage, Scotlandwell – Mr Ian Christie – Report 13/399**

Mr I Christie, applicant, followed by Dr J Gunnell, objector, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

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 commencement of work on site details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority.
3. The landscaping of the site shall be carried out in accordance with the landscaping plan which was approved under application 10/00134/FLL.
4. During construction work on the site the applicant shall ensure that the communal access road to the A911 shall not be obstructed to other users by construction materials or plant.
5. A minimum of two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and shall be maintained permanently thereafter.
6. Turning facilities shall be provided within the site, prior to the occupation of the units to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority and shall be permanently maintained thereafter.

**Justification**

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

**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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. No work shall be commenced until an application for building warrant has been submitted and approved.

- (x) **13/01192/MPO – PERTH – Modification of planning obligation to allow 426sqm of Unit 4 to be used for the sale of convenience goods including food at St Catherine’s Retail Park, Perth – EPISO Boxes GP Ltd – Report 13/400**

**Resolved:**

The proposed Modification of existing Planning Obligation to allow the sale of a revised range of goods, be approved.

**Justification**

The requested modification is considered to be in accordance with the Development Plan.

- (xi) **13/01193/FLL – COMRIE – Demolition of existing house and garage and erection of replacement dwellinghouse and garage at The Rowans, Strowan Road, Comrie – Mr and Mrs R McMaster – Report 13/401**

Mrs A Condliffe, Applications Team Leader, requested the Committee that they note that the word “blank” in Paragraph 25 of Report 13/401, should be deleted.

**Resolved:**

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

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. No solid site boundaries are permitted either during construction or after construction. Prior to the commencement of development full details of the proposed site boundaries shall be submitted for the written approval of the Planning Authority. The details, as approved in writing, shall be implemented during the development of the site and maintained in perpetuity.
3. The window serving the bathroom at 1<sup>st</sup> floor level shall be fitted with opaque glazing to the satisfaction of the Council as Planning Authority and shall be maintained as such.

**Justification**

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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
21 AUGUST 2013

**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 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).

~~~~~