

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
18 MARCH 2015

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Hay Room, Dewars Centre, Perth on Wednesday 18 March 2015 at 10.00am.

Present: Councillors T Gray (Convener), B Band, H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacobazzi, C Gillies, J Kellas, A Livingstone, M Lyle (with the exception of Art. 192(3)(ii)) and G Walker.

In attendance: Councillors B Vaughan, A Stewart and W Robertson, J Valentine, Executive Director (Environment), D Littlejohn, Head of Planning and Development, N Brian, A Condliffe, J Thomson, S Dunn, A Bendall, A Belford, B Reekie, P Marshall, A Deans, C Petrie and R Fletcher (all The Environment Service); G Fogg, Y Oliver and H Rheinallt (all Chief Executive's Service).

Councillor T Gray, Convener, Presiding.

188. WELCOME

The Convener welcomed everyone to the meeting.

189. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 193(3)(ii) in terms of the Councillors' Code of Conduct.

190. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 18 February 2015 (Arts 104-108) was submitted, approved as a correct record and authorised for signature.

191. DEPUTATIONS

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

Planning Application No.	Art. No
13/02362/FLM	192(2)(i)
13/01923/FLL	192(3)(i)
13/02365/IPL	192(3)(ii)
15/00036/FLL	192(3)(iii)
12/00546/FLL	192(3)(iv)

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192. APPLICATIONS FOR DETERMINATION

(1) Local Applications

(i) 14/01113/FLL – Alterations and extension to nursery at 46 Balhousie Street, Perth – Report 15/117 – Apple Tree Nursery

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. The operating hours of this childcare business shall be from 8am to 6pm, Monday to Friday only.
3. The number of children which the childcare business caters for shall be a maximum of 40.
4. All plant or equipment, including any ventilation system, associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive premises, with all windows slightly open, when measured and/ or calculated and plotted on a Noise Rating curve chart
5. Further sound proofing as recommended in Section 5.0 of the Noise Measurements and Management Plan (R15.8443/3/AF) shall be installed on the adjoining wall with the neighbouring dwelling to the satisfaction of the Planning Authority and prior to the development being brought in to use.
6. All measures in Section 8.0 of the Noise Measurements and Management Plan (R15.8443/3/AF) shall be fully implemented in full to the satisfaction of the Planning Authority and prior to the development being brought in to use.
7. No part of the extended facility shall be used until a Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

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Justification

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

Informatives

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

(2) Major Applications

(i) 13/02362/FLM – Erection of thirteen wind turbines and ancillary works on land at Creag A’Bhaird, Amulree – Report 15/118 – Force 9 Energy Partners LLP and EDF Energy ER

Mr A Smith, on behalf of the applicant, followed by Mr J Anderson, Mr V Clements, on behalf of Aberfeldy Community Council and Mrs A Johnston, on behalf of Dunkeld and Birnam Community Council, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Refuse, for the following reasons:

1. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 of TAYplan and Policies ER1A (a), ER6 (a)(b) of the Perth and Kinross Development Plan.
2. The location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a)(b)(f) of the Perth and Kinross Development Plan 2014.

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3. The proposal by virtue of the location, prominence, scale and layout of the proposed wind farm and its relationship to other wind turbine developments in the area would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A (a)(h), ER6 (a)(b) of the Perth and Kinross Development Plan 2014.
4. The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Highland Perthshire, contrary to policy PM1A of the Perth and Kinross Development Plan 2014.
5. The application is contrary to policy NE1B of the adopted Local Development Plan 2014 as the cumulative effects would erode the experience from popular summits from the Loch Rannoch and Glen Lyon NSA and the Loch Tummel NSA. While two qualities of the River Tay (Dunkeld) National Scenic Area would be eroded, the Gateway to the Highlands as well as the beauty of cultural landscapes accompanying natural grandeur.
6. The development would contravene the Scottish Government's Policy on the Control of Woodland Removal as there is no clearly defined additional public benefit associated with the removal and reduction in woodland cover. Accordingly the proposal fails to adhere to Local Plan Policy NE2B which requires compliance with the Scottish Government's Control of Woodland Removal Policy.

Justification

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

(3) Local Applications

- (i) **13/01923/FLL – Change of use of former clay extraction pit to outdoor activity centre, siting of portable buildings, 6 no camping pods, 20 no tipis, the formation of car parking, the formation of a bund and associated works at the former Clay Working, Inchcoonans Quarry, Errol – Report 15/119 – Mr R Sim**

Mr B Hynd, architect on behalf of the applicant, together with Mr R Sim, applicant, followed by Mr P Symon, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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Resolved:

Grant, subject to the following conditions and an additional Condition 20 as undernoted:

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. Only the activities listed in the supporting information may be undertaken on the site and any other additional activities must first be approved in writing by the Council as Planning Authority. The activities shall be implemented as per the layout shown on drawing 13/01923/1, unless otherwise agreed in writing by the Council as Planning Authority.
3. No overnight camping, apart from the approved 6 camping pods and the two array of Tipi's (as shown on drawing 13/01923/1) shall take place on the site, to the satisfaction of the Council as Planning Authority.
4. Hours of operations for the activity centre are restricted to Monday to Saturday 0900hrs to 1800hrs and Sundays 1000hrs to 1700hrs only and shall take place at no other time, all to the satisfaction of the Council as Planning Authority.
5. Before the campsite element is operational (which includes the camping pods and Tipi's), a noise management plan shall be submitted for the approval in writing by the Council as Planning Authority. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority for the duration of the operation of the campsite element.
6. Consent for the overnight camping element is granted for a temporary period of 2 years only. This period will commence from the time which the noise management plan, as approved under condition 5 of this consent has been formally approved by the Council as Planning Authority. Prior to the end of the 2 year period the area all development associated with the overnight camping element shall be removed and the area returned to grass, all to the satisfaction of the Council as Planning Authority.
7. All deliveries shall be restricted to Monday to Saturday 0700hrs to 1900hrs, with no deliveries on Sundays, all to the satisfaction of the Planning Authority.
8. All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and

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plotted on a rating curve chart, all to the satisfaction of the Council as Planning Authority.

9. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings, all to the satisfaction of the Council as Planning Authority.
10. No amplified music or public address systems shall be permitted on the site unless approved in writing by the planning authority.
11. Details of all external lighting must be submitted for the approved 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.
12. No development shall begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme must contain proposals to deal with the contamination to include:
 - I. The nature, extent and type(s) of contamination on the site
 - II. Measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. Measures to deal with contamination during construction works
 - IV. Condition of the site on completion of decontamination measures.

Before the commencement of any of the uses hereby approved, the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the Council as Planning Authority.

13. Prior to the commencement of any of the approved uses, the vehicular access shall be formed (and thereafter retained) in accordance with specification Type B, Fig 5.6 access detail, all to the satisfaction of the Council as Planning Authority.
14. Prior to the commencement of any of the approved uses, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear, all to the satisfaction of the Council as Planning Authority.
15. Across the area of the SSSI, no more than 300mm of topsoil shall be removed from the natural ground levels as shown on plan 13/01923/7, to the satisfaction of the Council as Planning Authority.
16. Across the area of the SSSI site, no more than 200mm of topsoil shall be added to the natural ground levels as shown on plan 13/01923/7 to the satisfaction of the Council as Planning Authority.

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17. Notwithstanding any changes in ground levels, the natural ground levels as shown on plan 13/01923/7 shall not be penetrated by any fittings, braces, fences, poles or other penetrating apparatus to a depth of any more than 300mm across the area of the SSSI, to the satisfaction of the Council as Planning Authority.
18. Access to the buried sediments across the SSSI area (for research purposes), as contained within the planning application site, must be maintained to the satisfaction of the Council as Planning Authority. Precise details of the proposed surfacing and exact location of the carparks, access tracks and the means of the placement of the modular units must be submitted for the approval in writing by the Council as Planning Authority, in consultation with SNH. The approved details must be implemented in full, to the satisfaction of the Council as Planning Authority prior to the commencement of any uses.
19. Prior to the commencement of any works on site, a detailed landscaping plan including timescale for implementation shall be submitted for the approval in writing by the Council as Planning Authority. The plan must include all proposed tree planting, precise details of the eastern boundary bund (and associated planting on it) and any proposed changes in ground levels across the site from that of the natural ground levels which must conform to the requirements of conditions 15 and 16. The approved plan shall be implemented in full within the agreed timescales, to the satisfaction of the Council as Planning Authority.
20. Prior to the commencement of any works on site, precise details of all the proposed foul drainage arrangements associated with the development shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full prior to any use commencing and then at all other times when the development is in active use, 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. 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)).

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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.
5. The applicant is advised that in terms of Sections 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 Environmental Protection Agency.

(ii) 13/02365/IPL – Formation of two all-weather pitches, erection of perimeter fencing, floodlighting and associated parking (in principle) at Dallerie Sports Pitches, Dallerie, Crieff – Report 15/120 – Morrison’s Academy

Mr N Simpson, agent on behalf of the applicant, accompanied by Mr H Campbell, Governor, Morrison’s Academy, followed by Mr D Gorrie, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall not commence until the following matters have been approved by the Council as Planning Authority: the siting, design and external appearance of the development and all matters regarding parking and vehicular access matters.
2. The hours of operation of the pitches shall be limited to 09:00 hours to 21:00 hours Monday to Sunday, to the satisfaction of the Council as Planning Authority.
3. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified shall include specific details of the proposed lighting columns. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is

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- minimised, to the satisfaction of the Council as Planning Authority.
4. For the avoidance of doubt, the position and height of the floodlighting columns are not approved as part of this consent.
 5. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include the submission (for approval) a noise/operational management plan which includes specific details of the proposed operation times. The approved plan must be implemented in full at all times, to the satisfaction of the Council as Planning Authority.
 6. For the avoidance of doubt, the proposed parking and access arrangements are not approved as part of this consent. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
 7. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include specific details of the existing ground levels and those of the proposed development. The proposed levels must not result in any land rising from that of the existing ground levels, 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 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

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

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- (iii) **15/00036/FLL – Perth – Upgrading of roads infrastructure including the formation of new roads, roundabouts, grade separated junctions, bridges, car parking, landscaping and associated works at land from the A9/A85 Crieff road junction, Perth - Report 15/121 - Perth and Kinross Council**

N Brian, Development Quality Manager, advised the Committee that, should they be minded to approve the application, he would also wish approval of the following amendments to the undernoted conditions:

Page 162, Condition 8 – be amended to read “...the River Almond shall be a minimum of 16.0mAOD.”

Page 163, Condition 9 – be amended to read “The surface water discharge into the Perth Town lade shall be limited to

Mrs J Ferguson, on behalf of the applicant, followed by Mr J Low, on behalf of St Johnstone Football Club, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors C Gillies and M Barnacle) – Refuse, on the grounds that:

- (i) The proposed development is contrary to Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 due to its inappropriate encroachment on Perth Crematorium ground;
- (ii) The proposed development will undermine the viability of St Johnstone Football Club;
- (iii) The proposed development is contrary to Policy CF2 of the Perth and Kinross Council Local Development Plan 2014 as it will have an adverse impact on a popular route within the Garden of Remembrance;
- (iv) The proposed development is contrary to Policy EP8 of the Perth and Kinross Council Local Development Plan 2014 as it will generate a high level of noise in close proximity to the sensitive area of the Garden of Remembrance.

Amendment (Councillors J Kellas and H Anderson) – Grant, subject to the following conditions and informatives, with Conditions 8 and 9 being amended 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. Storm water drainage from all paved surfaces shall be disposed of by means of suitable SUDS to meet the requirements of best management practices.**

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- 3. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated landscaping and infrastructure to be agreed in writing with the Council as Planning Authority, in joint consultation with Perth and Kinross Council Flooding Team and Community Greenspace Team. The agreed detail shall thereafter be implemented prior to the completion of development.**
- 4. Prior to the completion of the development, the River Almond for a distance of 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed bridge shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.**
- 5. The design and layout of the raised earth embankment to baffle flow along the exiting flood path to avoid further flood inundation shall be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Flooding Team prior to the commencement of any works on site.**
- 6. The design and layout of the Perth Lade diversion (including the culverted section), shall be agreed in writing with the Council as Planning Authority in consultation with Perth and Kinross Flooding Team prior to the commencement of any works on site.**
- 7. Prior to the commencement of the development, the Perth Lade for a distance of 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed bridge shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.**
- 8. The soffit level of the proposed bridge over the River Almond shall be a minimum of 16.0mAOD.**
- 9. The surface water discharge in to the Perth Town Lade shall be limited to 50% of the greenfield runoff rates as outlined in Table 1 of the approved Drainage Strategy. Drainage Network 1 will be limited to 4.75l/s, Network 2 will be limited to 8.05l/s and Network 3 will be limited to 5.55l/s.**
- 10. No works shall take place within 25m of any flood walls or embankments of the Perth Flood Prevention Scheme (including all works to construct the bridge and raise the footpath upstream of the bridge) without the prior written approval of the Council as Planning Authority, in consultation with the Council's Flooding Team.**
- 11. All identified and affected over land flood routes and flood culverts shall be appropriately managed and**

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- maintained in perpetuity, unless otherwise agreed in writing with the Planning Authority in consultation with the Council's Flooding team.
12. A woodland planting scheme to compensate for the removal of 2.4 hectares of existing woodland ("the Replanting Scheme") shall be submitted to and approved in writing by the Planning Authority, in consultation with Forestry Commission Scotland and the Council's Community Greenspace Team, prior to the commencement of development.
 13. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538- 830-0) and the guidelines to which it refers. The Replanting Scheme submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Community Greenspace Team and must include:
 - a. details of the location of the area to be planted;
 - b. details of land owners and occupiers of the land to be planted;
 - c. the nature, design and specification of the proposed woodland to be planted;
 - d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
 - e. the phasing and associated timescales for implementing the Replanting Scheme;
 - f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage; and
 - g. proposals for reporting to the Planning Authority on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme.
 14. The approved Replanting scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein; unless otherwise agreed in writing by the Planning Authority and in consultation with the Council's Community Greenspace Team and Forestry Commission Scotland.
 15. Prior to the commencement of site clearance; details of all directly affected trees to be retained and the comprehensive approach to their protection in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction" shall be submitted for the written approval of the Council as

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Planning Authority, in consultation with the Council's Community Greenspace Team.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

- 16. In association with condition 1 and for clarification; all trees identified as being affected by the proposals shall be assessed for potential bat roosts and those identified as having potential bat roosts shall be surveyed prior to commencement of development. Bat roosts found that will be destroyed as a result of the development shall require a licence from SNH prior to work commencing and the same number of suitable replacement roosts shall be identified and thereafter provided.**
- 17. In association with condition 1 and for clarification; should breeding birds be found during construction; works in the vicinity will cease until the young have fledged.**
- 18. In association with condition 1, all 'sacred' soil (or associated inert material, as deemed by agreement) stripped from the Crematorium grounds shall remain on site and be spread on site in locations agreed by the Planning Authority, in consultation with the Council's Community Greenspace team.**
- 19. Prior to Commencement of Development, an updated Detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority (in consultation with statutory consultees) adopting all recommendations of statutory consultees and also include the following recommendations:**
 - All trees that are required to be felled will be checked for nesting birds, bats and red squirrels prior to felling.**
 - All excavations are covered at the end of the working day to prevent mammals falling in and being trapped.**
 - Details of any borrow pits within the red site line area and site compound/s.**

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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 CEMP.

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

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

21. In association with aforementioned condition 1 and for clarification purposes, the following measures shall be fully addressed and adhered to as part of the development:

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- **Mitigation measures as described in section 5.6.1 of the air quality assessment.**
22. **In association with condition 1 and for clarification, the following measures shall be fully addressed and adhered to as part of the development:**
- **Barriers shall be erected to mitigate noise increases resulting from this scheme as described in section 10.5.5.2 of the noise assessment and Figure 10.5.**
23. **Prior to the completion or operation of the Scheme, an assessment of appropriate noise mitigation solutions should be undertaken, including the associated cost and visual impact to protect all identified isolated properties not protected currently by the proposed barriers, shall be submitted to and approved by the Planning Authority in consultation with the Council's Environmental Health team and Community Greenspace team. The approved mitigation measures as subsequently approved shall be implemented fully as part of the site development programme.**
24. **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.**
25. **In addition to condition 1, prior to the Commencement of Development, matters seeking to address salient matters in the Council's Community Greenspace consultation response (dated February 2015) – including provision of full details in relation to landscaping, visual impact mitigation and access opportunities for the site shall be submitted for the further approval of this Council as Planning Authority, in consultation with Community Greenspace. The approved detailing and associated mitigation measures shall thereafter be respected and fully implemented as part of the site development programme.**
26. **In association with condition 25, a detailed landscaping, boundary treatment and planting**

scheme for the site shall be submitted for the further approval of this Council as Planning Authority, in consultation with the Council's Community Greenspace team, prior to the commencement of any site works, and construction shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season after the completion of the development hereby approved with any off-site planting scheme being completed within the first available planting season after the commencement of works on site; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

- 27. Prior to Commencement of Development and in association with aforementioned condition's 25 and 26; specific details shall be submitted to the Council as Planning Authority, in consultation with Community Greenspace (as appropriate) for further approval including:**
- SUDS ponds and associated landscaping, identifying habitat creation opportunities;**
 - Acoustic barriers, walling and associated planting detailing;**
 - Interface with the Crematorium Gardens of Remembrance;**
 - Boundary details and landscaping in and around Double Dykes;**
 - Street lighting details;**
 - Individual bridge and roundabout design details;**
 - Embankment design details and calculations;**
 - Culvert design details and calculations;**
 - Road drainage design details and calculations.**
- The details as subsequently approved shall thereafter be implemented as part of the site development programme.**
- 28 Prior to Commencement of Development, the applicant is advised to contact Transport Scotland to establish and agree the full extent of further work or analysis which may be required and thereafter demonstrate to the Trunk Road Authority that the 'Spatial Strategy' can be accommodated through the associated proposal through development scenarios and traffic modelling .**

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29. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
30. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any drainage pipes, septic tanks and soakaways/private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Justification

The proposal is in accordance with the Development Plan and there are no material justifications 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. 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.

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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 28 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 to contact Perth and Kinross Heritage Trust Archaeologist as soon as possible to allow for the procedure of works required to be explained to them, allowing a written Terms of Reference to be prepared.**
- 6. This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.**
- 7. The applicant is advised to look over and incorporate where appropriate, national guidance produced by RSPB and WWT in relation to Sustainable Drainage Systems (SUDS) and maximising opportunities for biodiversity benefits within this development:
http://www.rspb.org.uk/Images/SuDS_report_final_tc_m9-338064.pdf**

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

5 members voted for the Amendment as follows:
Councillors M Barnacle, D Cuthbert, A Gaunt, C Gillies and A Livingstone.

8 members voted for the Motion as follows:
Councillors T Gray, B Band, H Anderson, I Campbell, J Giacomazzi, J Kellas, M Lyle and G Walker.

Amendment – 5 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

- (iv) 12/00546/FLL – Fossoway – Report on the update Enforcement position regarding conditions on the planning application for the Formation of five permanent Gypsy/traveller pitches (partly in retrospect) on land at Crookmoss, Crook of Devon, Kinross-shire – Report 15/122 – J Johnstone & M MacDonald**

Resolved:

The Development Quality Manager is requested to prepare an updated report on the enforcement of the conditions imposed on

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the planning application for the Formation of five permanent gypsy/traveller pitches (partly in retrospect) on land at Crookmoss, Crook of Devon, Kinross-shire, to be submitted to the Development Management Committee on 16 September 2015.

193. PROPOSAL OF APPLICATION NOTICE (PAN)

- (i) **15/00001/PAN – Pitlochry – Development of an unground barite mine with minehead surface infrastructure and mine portal at Duntanlich. Change of use of ferry cottage to office premises at Ferry House, Logierait, Pitlochry – Report 15/123**

Resolved:

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.

- (ii) **15/00003/PAN – Perth – Erection of 8 commercial units on Land 120 Metres East of Mclaughlan Transport, Arran Road, Perth – Report 15/124**

Resolved:

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.

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