

## DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 17 February 2010 at 9.30am and reconvened on Thursday 18 February 2010 at 1.30pm.

Present: Councillors W Wilson, K Lyall (up to and including Art. 97(2)(xi)), R Band, L Caddell (up to and including 97(2)(viii)), I Campbell, A Cowan (Substituting for Councillor C Gillies) (up to and including Art. 97(2)(xi)), A Gaunt (substituting for Councillor K Lyall) (from Art. 97(1)(iii)), C Gillies (from Art. 97(1)(iii)), E Grant (with the exception of Arts. 97(2)(ix), (x) and (xi)), A Jack (up to and including Art. 97(2)(vii), with the exception of Art. 97(2)(ii)), J Kellas, W Lumsden, M Lyle, H McDonald (up to and including Art. 97(2)(viii)) and S Miller (up to and including Art. 97(2)(xi)).

In Attendance: Councillor D Melloy (Arts. 97(2)(vii) and (viii) only); N Brian, A Condliffe, A Fleming, B McNaughton, J Ferguson (up to and including Art. 97(2)(v)), J Russell (up to and including Art. 97(2)(xi)), K Stirton (up to and including Art. 97(2)(xi)) and E Rogers-Nicoll (Art. 97(1)(iii) only) (all the Environment Service); C Elliot, Y Oliver and P Frazer (with the exception of Art. 97(2)(v)) (all Chief Executive's Service).

Apologies for Absence: Wednesday 17 February 2010: Councillor C Gillies  
Thursday 18 February 2010: Councillors K Lyall, L Caddell, A Jack, H McDonald and S Miller.

Councillor W Wilson, Convener, Presiding.

Prior to the commencement of business Councillor W Wilson referred to the sad death of the late Councillor John Law, who died suddenly on 13 February 2010, and paid tribute to his commitment and dedication to the community and the Council. He would be sadly missed.

In view of the large number of items on the Agenda, the Convener requested the Committee if it was minded to hear those applications where deputation requests had been received on Wednesday 17 February 2010 and reconvene on Thursday 18 February 2010 at 1.30pm to hear the remaining items. The Committee unanimously agreed to this course of action.

### 93. WITHDRAWAL OF APPLICATION

The Committee noted the following application had been withdrawn from the Agenda at the request of the applicant:

**09/01654/FLL – KETTINS – Change of use of Open Space to Car Park at Land at School Park, Kettins (Report 10/92)**

#### 94. DECLARATIONS OF INTEREST

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

#### 95. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 20 January 2010 (Arts. 12-15) was submitted, approved as a correct record and authorised for signature.

#### 96. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear depositions in relation to planning applications as follows:

Planning Application No.	Article No.
09/01355/FLM and 09/01356/LBC	97(1)(i) and 97(1)(ii)
07/02621/FLL	97(2)(i)
07/02632/FLL	97(2)(ii)
08/01141/FLL	97(2)(iii)
09/01190/FLL	97(2)(iv)
09/01280/FLL	97(2)(v)
09/01548/IPL	97(2)(vi)
09/01623/FLL	97(2)(vii)
09/01867/IPL	97(2)(viii)
09/02004/FLL	97(2)(ix)
09/02078/FLL	97(2)(x)
09/02081/FLL	97(2)(xi)

In terms of Standing Order 19, the Committee unanimously agreed to vary the order of business.

#### 97. PLANNING APPLICATIONS FOR DETERMINATION

##### (1) Major Development Applications

The Committee unanimously decided to conjoin depositions for applications 09/01355/FLM and 09/01356/LBC.

##### (i) 09/01355/FLM – ERROL – Alterations and conversion of existing steading to create 8 dwellinghouses and erection of 16 residential units with associated parking at the Horn Farm, Errol – J W Farquharson – Report 10/76)

Mr M O'Donnell, Architect, and Mr J Farquharson, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and I Campbell) – Refuse, for the reasons contained in Report 10/76.

**Amendment (Councillors J Kellas and M Lyle) – Defer, for further information with regard to:**

- (i) the financial viability of the application.**
- (ii) sustainability of the application.**
- (iii) potential for retention or demolition of the listed buildings on site.**
- (iv) noise mitigation measures.**

Amendment – 7 votes

Motion – 6 votes

**Resolved:**

In accordance with the Amendment.

- (ii) 09/01356/LBC – ERROL – Alterations and conversion of existing Farmhouse, steading and outbuilding to create 8 dwellinghouses and demolition of outbuildings at Horn Farm, Errol – J W Farquharson – Report 10/77**

Mr M O'Donnell, Architect, and Mr J Farquharson, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to conditions to be formulated by the Development Quality Manager, with the additional condition that the southmost linear building not be approved for demolition.

N Brian, Development Quality Manager, advised the Committee that, following approval of this application, which involved the demolition of listed buildings (with the exception of the southmost linear building) the application required to be submitted to Historic Scotland for formal ratification.

## **(2) Local Applications**

- (i) 07/02621/FLL – CLEISH – Proposed demolition of redundant steadings and steel portal frames, erection of 5 dwellinghouses and associated access and landscaping at Cleish Mill Farm, Cleish – K Thomson – Report 10/78**

N Brian, Development Quality Manager, advised the Committee that the Section 75 Agreement referred to in Procedural Note C on Page 80 of Report 10/78 should also include delivery of an affordable housing contribution. He also advised that, should the Committee be minded to approve the application, Condition 11 on Page 78 of Report

10/78, with regard to drainage, should also include Perth and Kinross Council's Flooding and Drainage Guidance and the Scottish Environment Protection Agency's GBR guidelines.

Mr K Thomson, applicant and Mr D Campbell, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions, with Condition 11 being amended to read as undernoted, and the Section 75 Agreement to include delivery of an affordable housing contribution payment (as detailed in the amended Procedural Note):

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Where shown, all new roofs shall be clad in natural slate in accordance with details which shall previously have been submitted to and approved in writing by the local Planning Authority prior to the commencement of site works.
4. All new external doors and windows shall be first constructed and thereafter maintained in timber, with a painted finish.
5. Prior to the commencement of site works, details of the height, design, and proposed materials of finish of all new enclosure to site boundaries shall be submitted to and approved in writing by the local Planning Authority. The completed development shall strictly accord with those details approved.
6. Prior to the new dwellings hereby approved being first occupied the existing yard between Cleish Mill and the site shall have been closed off through the construction of a new wall, the height and design of which shall previously have been submitted to and approved in writing by the local Planning Authority. The new wall shall be faced in local natural stone salvaged from the down-takings of the former steading buildings and the stone shall be laid in a traditional manner.
7. Notwithstanding the detail shown on the submitted plans, the finished floor levels of the new houses hereby approved shall accord with those shown on the amended layout plan received by the local Planning Authority on 16 October 2008.
8. Prior to the commencement of development, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the local Planning Authority. 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, and the scheme as approved shall be carried out and completed

within six months of the occupation of the first house. Any tree, plant or shrub which, within a period of five years from planting dies, or becomes damaged or diseased, shall be replaced with others of a similar size and species unless otherwise agreed in writing by the local Planning Authority.

9. Prior to the new houses hereby approved being first occupied the new vehicular access from the B9097 shall have been hardened, surfaced and drained in a manner to prevent the spill of mud, debris and surface water on to the public highway, in accordance with details which previously shall have been submitted to and approved in writing by the local Planning Authority.
10. Visibility splays shall be provided at the junction of the new access to the B9097, prior to the new dwellings hereby approved being first occupied, and thereafter maintained free from any obstruction of a height exceeding 1 metre above the adjacent road channel level, in so far as this lies within the control of the applicant. The means of disposal of surface water drainage from buildings and the site shall accord with the details set out in the detailed Drainage Report accompanying the application unless otherwise approved in writing by the local Planning Authority.
11. Prior to the commencement of site works details of the proposed means for dealing with surface water drainage of the site, at both construction and completed development stage, shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out strictly in accordance with those details approved which shall be designed to meet C697 The Sustainable Urban Drainage Systems Manual, Perth and Kinross Council's Flooding and Drainage Guidance and the Scottish Environment Protection Agency's General Binding Rules guidelines to ensure that sufficient attenuation from the development does not exacerbate or cause flooding within the receiving catchment area.
12. Major site preparation work such as demolition of buildings, removal of roofs or trees/shrub clearance must be undertaken outwith the bird breeding season (ie not between 1 March and 31 August). If this is not possible, a survey must be undertaken to confirm that there are no nesting birds present. The survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist, must be undertaken prior to any work commencing on the site, and the completed survey shall be submitted for consideration to the Council as Planning Authority prior to the commencement of site works.
13. The new dwellings hereby approved shall not be occupied before 30 September 2010.

14. Prior to the commencement of site works a detailed scheme for the annual testing, recording and analysing of phosphate levels within the 13 fields adjacent to the application site and identified on the applicant's plan submitted on 25 January 2010, shall be submitted to and approved in writing by the local Planning Authority. Monitoring results shall be recorded in accordance with the approved scheme and shall be submitted to the local Planning Authority for approval every twelve months.
15. Prior to the occupation of any new dwelling hereby approved the works of upgrade to foul drainage serving Cleish Mill Farmhouse shall have been installed to the satisfaction of the Council as Planning Authority.

### **Justification**

The proposed development is considered to comply with the Development Plan and the Council's supplementary guidance and there are no reasons to justify a departure therefrom.

### **Procedural Note**

Planning consent shall not be issued until a Section 75 Agreement has been signed in respect of the following issues:

1. Delivery of the necessary phosphate mitigation measures for the Loch Leven Catchment Area.
2. Inclusion of an affordable housing contribution of £15,000 x 1.25 = £18,750.

### **Informatives**

1. The Executive Director (Education and Children's Services) can give no guarantee that any school age children arising from this development application could be accommodated at Cleish Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is requested to consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
5. 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.

6. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
7. 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.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

COUNCILLOR A JACK LEFT THE CHAMBERS DURING CONSIDERATION OF THE FOLLOWING ITEM.

**(ii) 07/02632/FLL – CLEISH – Erection of 2 dwellinghouses with associated access and landscaping at Cleish Mill Farm, Cleish – Mr and Mrs I Craig and Mr A Craig – Report 10/79**

N Brian, Development Quality Manager, referred to Procedural Note C on page 99 and advised the Committee that, as the sites relative to Planning Applications 07/02621/FLL and 07/02632/FLL were in the same ownership, the affordable housing element should be included in a Section 75 agreement and required to be cumulative with 07/02621/FLL.

Mr K Thomson, applicant, and Mr D Campbell, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and B Band) – Refuse, as the application is contrary to the Kinross Area Local Plan 2004 for the following reasons:

- (i) Policy 1 of the Kinross Area Local Plan 2004 as the application does not help the maintenance and improvement of the quality of the natural environment.
- (ii) Policy 2 of the Kinross Area Local Plan 2004 as the application does not have an acceptable landscape framework.
- (iii) Policy 5 of the Kinross Area Local Plan 2004 as the landscape is not strengthened and enhanced by the proposal.
- (iv) Policy 6 of the Kinross Area Local Plan 2004 as the application is not of high design standards due to its scale, does not fit the landscape, and the proportions of the buildings are not in keeping with the surroundings.

**Amendment (Councillors S Miller and J Kellas) – Grant, subject to the following conditions with Condition 10 being amended to read as undernoted:**

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Where shown, all new roofs shall be clad in natural slate in accordance with details which shall previously have been submitted to and approved in writing by the local Planning Authority prior to the commencement of site works.
4. All new external doors and windows shall be first constructed and thereafter maintained in timber, with a painted finish.
5. Prior to the commencement of site works, details of the height, design, and proposed materials of finish of all new enclosure to site boundaries shall be submitted to and approved in writing by the local Planning Authority. The completed development shall strictly accord with those details approved.
6. Notwithstanding the detail shown on the submitted plans, the finished floor levels of the new houses hereby approved shall accord with those shown on the amended layout plan received by the local Planning Authority on 16 October 2008.
7. Prior to the commencement of development, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the local Planning Authority. 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, and the scheme as approved shall be carried out and completed within six months of the occupation of the first house. Any tree, plant or shrub which, within a

period of five years from planting dies, or becomes damaged or diseased, shall be replaced with others of a similar size and species unless otherwise agreed in writing by the local Planning Authority. For the avoidance of doubt the landscaping scheme shall include hedging along the western boundary of the site and structural, copse-like planting to the east.

8. Prior to the new houses hereby approved being first occupied the new vehicular access from the B9097 shall have been hardened, surfaced and drained in a manner to prevent the spill of mud, debris and surface water on to the public highway, in accordance with details which previously shall have been submitted to and approved in writing by the local Planning Authority.
9. Visibility splays shall be provided at the junction of the new access to the B9097, prior to the new dwellings hereby approved being first occupied, and thereafter maintained free from any obstruction of a height exceeding one metre above the adjacent road channel level, in so far as this lies within the control of the applicant. The means of disposal of surface water drainage from buildings and the site shall accord with the details set out in the detailed Drainage Report accompanying the application unless otherwise approved in writing by the local Planning Authority.
10. Prior to the commencement of site works details of the proposed means for dealing with surface water drainage of the site, at both construction and completed development stage, shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out strictly in accordance with those details approved which shall be designed to meet C697 The Sustainable Urban Drainage System Manual, Perth and Kinross Council's Flooding and Drainage Guidance and the Scottish Environment Protection Agency's General Binding Rules guidelines to ensure that sufficient attenuation from the development does not exacerbate or cause flooding within the receiving catchment area.
11. The new dwellings hereby approved shall not be occupied before 30 September 2010.
12. Prior to the commencement of site works a detailed scheme for the annual testing, recording and analysing of phosphate levels within the 13 fields adjacent to the application site and identified on the applicant's plan submitted on 25 January 2010, shall be submitted to and approved in writing by the local Planning Authority. Monitoring results shall be recorded in accordance with

the approved scheme and shall be submitted to the Local Planning Authority for approval every twelve months.

13. Prior to the occupation of any new dwelling hereby approved the works of upgrade to foul drainage serving Cleish Mill Farmhouse shall have been installed to the satisfaction of the Council as Planning Authority.

Amendment – 7 votes

Motion – 5 votes

**Resolved:**

In accordance with the Amendment.

**Justification**

The proposed development is considered to comply with the Development Plan and the Council's supplementary guidance and there are no reasons to justify a departure therefrom.

**Procedural Note**

Planning consent shall not be issued until a Section 75 Agreement has been signed in respect of the following issues:

1. Delivery of the necessary phosphate mitigation measures for the Loch Leven Catchment Area.
2. Inclusion of an affordable housing contribution of £15,000 x 0.5 = £7,500 (cumulative with previous application).

**Informatives**

1. The Executive Director (Education and Children's Services) can give no guarantee that any school age children arising from this development application could be accommodated at Cleish Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is requested to consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
5. 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.

6. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
7. 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

COUNCILLOR A JACK RETURNED TO THE CHAMBERS AT THIS POINT.

**(iii) 08/01141/FLL – MILNATHORT – Erection of a dwellinghouse, straw shed and stable block on land South West of Wester Tillyrie, Milnathort – John Lawrie (Tillyrie) for Mr and Mrs J Thomson – Report 10/81**

Mrs D Thomson, applicant, and Mr P Maddocks, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and the addition of Condition 10 as amended:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The occupation of the dwellinghouse hereby approved shall be restricted to a person solely or last employed locally by the commercial horse racing stud or stables operated from the site or a dependant of such a person residing with him or her (but including a widow or widower of such a person).
4. 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 prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

5. Finished floor levels of the house, yard and buildings shall strictly accord with those detailed on drawing number 063741/6 rev b received by the local Planning Authority on 21 September 2009.
6. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within six months of the occupation of the house; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
7. The new dwelling hereby approved shall not be occupied until the commercial stables are erected and first brought into use.
8. The means of disposal of surface water drainage from buildings and the site shall accord with the details set out in the detailed Drainage Report accompanying the application unless otherwise approved in writing by the local Planning Authority.
9. Prior to the commencement of site works, details of the vehicle access improvements on to the Athron Hall - Tyllirie public road shall be submitted to and approved in writing by the local Planning Authority. Such details shall include the manner of surfacing, drainage (to ensure that no surface water or debris discharges on to the public highway), layout and visibility. The completed development shall strictly accord with those details approved unless otherwise agreed in writing by the local Planning Authority.
10. No external lighting shall be installed on any part of the premises unless with the prior approval in writing of this Planning Authority.

#### **Justification**

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

#### **Procedural Note**

Consent not to be issued until the applicant has entered into and signed a S75 Legal Agreement to deliver the phosphate mitigation

measures necessary to meet the requirements of the Development Plan.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

**(iv) 09/01190/FLL – PERTH – Change of use from Function Room to night club, Brennan's, 46 St John Street/35 Watergate Perth – John Buchan – Report 10/82**

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

### **Resolved:**

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

1. The development shall be commenced within a period of five years from the date of this consent
2. The proposed development shall be carried out in accordance with the accompanying approved plans unless provided for by conditions imposed on the planning consent.
3. The sound insulation and sound transmission properties of the structures and finishes shall be such that no airborne noise from operations within the premises is audible within any neighbouring residential property.

4. All doors shall be fitted with self-closing hinges.
5. All fixed plant and machinery to be installed or operated within the proposed night club shall be so enclosed attenuated operated and maintained such that noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours or Noise Rating 25 between 2300 and 0700 hours within any neighbouring residential premises, to the satisfaction of the Planning Authority.
6. Prior to the change of use being implemented a noise limiter shall be installed and operated to control the maximum level of amplified speech and music and shall at all times be set at 90dB @ 135Hz @1m.
7. The primary entrance to and exit from the night club shall be St John Street through Brennan's public house and the exit on to Watergate shall only be used as an emergency fire exit.
8. The change of use hereby approved shall operate on Friday and Saturday nights only and shall be limited to 0230 hours on Saturday and Sunday morning, to the satisfaction of the Planning Authority.

#### **Justification**

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

**(v) 09/01280/FLL – PITLOCHRY – Erection of 22 Flats at Atholl Curling Rink, Lower Oakfield, Pitlochry – Upland Developments – Report 10/83**

Mr S Blennerhassett, agent on behalf of the applicant and Mr J S Brown and Mrs H McDade, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

FOLLOWING A SHORT ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

Motion (Councillors I Campbell and A Jack) – Refuse, for the following reasons:

- (i) the site adversely affects the bordering Conservation Area;
- (ii) the application adversely affects the two listed buildings and the four buildings of merit;
- (iii) the design is inappropriate for the site and surrounding area;
- (iv) there is a lack of amenity space for residents on site; and
- (v) overdevelopment of the site in relation to density.

**Amendment – (Councillors W Wilson and J Kellas) – Grant, subject to the following conditions:**

- 1. The development shall be begun within a period of three years from the date of this consent.**
- 2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. Prior to occupation or use of the approved development 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 Planning Authority.**
- 4. Prior to occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 22 cycles shall be provided within the access to the development.**
- 5. 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.**
- 6. A detailed scheme for storage of waste and recycling facilities shall be submitted for the further approval of the Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme.**
- 7. Full details of any alteration to the existing stone boundary walls shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.**
- 8. Details of the proposed boundary treatments including new fences and walls for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use and such scheme as may be approved shall be completed prior to the occupation of the development.**
- 9. Details of the specification and colour of the proposed roof materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt, the use of slate grey tiles is not approved.**
- 10. Details of the colour tone of the wet dash render to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development.**

The scheme as approved shall be implemented prior to the occupation and/or use of the development.

11. Details of the colour of the timber windows and timber panelling to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
12. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within the first available planting season of the occupation of the house; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
13. The root spread of the oak tree located outwith but overhanging the application site must be protected within the application site by stout fencing (minimum 1.2 metres high and 2.4 metres in an intensive area of construction) enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837 : 2005 *Trees In Relation To Construction*. Such fencing must be erected before any materials or machinery is brought on the site and before any demolition or development, including erection of site huts, has commenced. Erected fences shall not be removed or altered without prior consultation with the Council as Planning Authority. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection shall be laid over the existing soil surface to the satisfaction of the Council as Planning Authority.

Amendment: 8 votes

Motion: 4 votes

**Resolved:**

In accordance with the Amendment.

**Justification**

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

### **Procedural Note**

Planning consent shall not be issued until a Section 75 Agreement has been signed in respect of the following issues

1. Delivery of the onsite affordable housing.
2. An Education Contribution of forty-eight thousand eight hundred and forty pounds (£48,840).

### **Informatives**

1. 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.
2. 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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.
5. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
6. 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.

**(vi) 09/01548/IPL – MILNATHORT – Erection of a hangarage including offices and pilot amenities (planning permission in principle) on land at Balado Park, Milnathort – D Alexander – Report 10/85**

N Brian, Development Quality Manager, advised the Committee that the following amendments required to be made to the report:

Page 175, Paragraph 2, second sentence, should refer to “25m x 80m” (instead of 12m x 40m).

Page 182, Paragraph 49, first sentence, should refer to “20 years” (instead of 10 years).

Page 184, Paragraph 60, final sentence, should refer to “feet” (instead of metres).

Mr D Alexander, applicant, and Mr K Miles, 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 Planning Authority: the size, siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and vehicle turning facilities within the site, finishing materials, levels (existing and proposed); means of foul and surface water drainage; means of ventilation and odour control/discharge to the workshop; means of noise attenuation, all means of site and building illumination.
2. 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 three years from the date of the grant of the planning permission in principle,
  - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.

3. The Planning Permission in Principle for this development lapses on the expiration of two years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
4. The detailed landscaping proposals required to be approved by Condition 1 of this permission shall include the provision of a planting belt along the western edge of the application site. Full details shall include plant species, whip sizes and distribution and the approved planting belt shall be planted out in full by the end of the first planting season following the new building being first occupied. Any tree, shrub or plant which within a period of five years from the date of planting dies, becomes damaged or diseased, shall be replaced by others of a similar size or species unless the local Planning Authority provides prior written approval to any variation.
5. All aircraft maintenance work and engine testing shall be carried out from within the building only.
6. Noise from activities within the hangarage and pilot facilities hereby approved shall not be audible at any noise sensitive properties.
7. Prior to the new building hereby approved being first brought into use, facilities for the on-site collection and storage of wash-down residues shall have been installed in accordance with details which previously shall have been submitted to and approved in writing by the local Planning Authority. Arrangements for disposal of all collected waste water outside the Loch Leven Catchment Area shall also be submitted to and approved in writing by the local Planning Authority and the operation of collection and disposal shall fully accord with those details approved.
8. The surface water drainage details reserved for future approval by condition 1 of this permission shall incorporate three levels of sustainable urban drainage (SUDs) treatment.
9. Prior to the new building hereby approved being first brought into use the existing foul drainage facilities serving the former Air Traffic Control building at Balado Park shall have been upgraded from septic tank to secondary treatment works in accordance with details which previously shall have been submitted to and approved in writing by the local Planning Authority.

### **Justification**

The proposal accords with the policies of the Development Plan and there are no material reasons which justify departing from the Development Plan or refusing the application.

### **Procedural Note**

Planning consent shall not be issued until a Section 75 Agreement has been signed in respect of the following issue:

Delivery of the necessary phosphate mitigation measures for the Loch Leven Catchment Area.

### **Informative**

The applicant, developer, or agent, is advised to contact BP North Sea Infrastructure Wayleaves Office at Hadrian House, PO Box 21, Bo'ness Road, Grangemouth, FK3 9XH prior to the undertaking of any construction works associated with this development.

COUNCILLOR D MELLOY ENTERED THE CHAMBERS AT THIS POINT

**(vii) 09/01623/FLL – PERTH – Formation of 6 car parking spaces on land 10 metres west of 58 Glasgow Road, Perth – F Lynch – Report 10/86**

Ms L Lynch and Mr G Freeland, on behalf of the applicants, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors J Kellas and M Lyle) – Grant, subject to the conditions contained in Report 10/86.

**Amendment (Councillors L Caddell and W Wilson) – Grant, subject to the following conditions and the addition of Condition 4 as undernoted:**

- 1. The development shall be begun within a period of three years from the date of this consent.**
- 2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. The edge of the carriageway which comprises Strathearn Terrace adjacent to the site shall be defined by a dropped kerb constructed to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.**
- 4. The parking spaces shall be set back a minimum of eight metres from the northmost point of the application site.**

Amendment – 8 votes

Motion – 5 votes

### **Resolved:**

In accordance with the Amendment.

### **Justification**

The proposed development is considered to comply with the terms of the Development Plan and would provide much needed additional off-street parking for existing residential units and there are no material reasons to justify a departure therefrom.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

COUNCILLOR A JACK LEFT THE CHAMBERS DURING CONSIDERATION OF THE FOLLOWING ITEM.

- (viii) 09/01867/IPL – COUPAR ANGUS – Erection of two dwellinghouses at land adjacent to No 30 Holding Campmuir – S Hunter – Report 10/87**

Mr F Marr, agent and applicant, and Mrs Riddell-Webster, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor D Melloy, one of the Elected Members representing Ward 2, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors J Kellas and W Wilson) – Grant, subject to the conditions contained in Report 10/87 and amendment of Condition 4 to refer to the already approved access.

**Amendment (Councillors E Grant and M Lyle) – Refuse, on the grounds that the rear northern boundary of the site is undefined and therefore the site is deemed (a) not to be a definable site and (b) not to have a suitable landscape framework capable of absorbing the proposal.**

Amendment – 9 votes

Motion – 3 votes

**Resolved:**

In accordance with the Amendment.

COUNCILLORS D MELLOY, L CADDELL, H MCDONALD AND E GRANT LEFT THE CHAMBERS AT THIS POINT.

- (ix) **09/02004/FLL – GILMERTON – Erection of 3 dwellinghouses, garages and formation of a new access road, Craigewan Farm, Cultoquhey, Gilmerton, Crieff – Craigewan and Partners – Report 10/88**

N Brian, Development Quality Manager, advised the Committee that, since the completion of Report 10/88 for this Committee meeting, information had been published by the Scottish Government with regard to the Beaully-Denny line advising that no dwellings should be situated within 160 metres of the line. This application may be within that 160 metres. It was appropriate to establish the correct information before considering this application and suggested the appropriate course of action was to defer Report 10/88.

**Resolved:**

**Defer**, to enable full consideration to be given to the implications of the Beaully-Denny power line in terms of the siting/distance of houses from the route of the line.

- (x) **09/02078/FLL – DRUM – Erection of a 15kw wind turbine at Carsefoot, Drum – I Davidson – Report 10/89**

Ms A Ellis, agent on behalf of the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.

2. 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.
3. The exterior finish/colouring of the wind turbine and associated equipment shall be investigated and a sample with paint code (preferably dark green) shall be submitted to and approved by the local Planning Authority. Thereafter the approved scheme will be implemented prior to the wind turbine becoming operational.
4. Noise arising from the wind turbine shall not exceed an L A90, 10min of 35 dB at the nearest noise sensitive premises. The foregoing condition shall apply at wind speeds not exceeding 10m/s, as measured at a height of 10m above the wind turbine site.
5. In the event of audible tones being generated by any wind turbine, a 5 dB (A) penalty for tonal noise shall be added to measured noise levels.
6. Any measurements and assessments of noise from the wind turbine shall be carried out in accordance with ETSU report for the DTI – *The assessment and Rating of Noise from Wind Farms (ETSU-R-97)*.
7. The applicant shall, upon written request and unless otherwise agreed in writing with the Planning Authority, carry out measurements and assessments of noise from the wind turbine in accordance with ETSU report for the DTI – *The Assessment and Rating of Noise From Wind Farms (ETSU-R-97)* to the satisfaction of the Planning Authority and make all related data available to the Planning Authority.
8. In the event that the wind turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbine shall be disconnected until the problem has been investigated and resolved.
9. Within six months of the wind turbine being decommissioned the owner shall remove the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Planning Authority.
10. For the avoidance of any doubt only one turbine shall be erected on the land holding.

### **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. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for 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.
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.

**(xi) 09/02081/FLL – PERTH – Installation of 15m monopole supporting 3 Vodafone and 02 antennas within GRP shroud and ancillary equipment on footpath opposite the junction of Firbank Road and Burghmuir Road, Perth – Vodafone – Report 10/90**

Ms L Kennedy, on behalf of the applicants, and Mr H Duncan, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

### **Resolved:**

**Refuse**, for the following reasons:

1. The proposed telecommunications mast will lead to an over-provision of masts in the immediate area thereby causing an adverse impact on visual amenity by cluttering the street scene; and
2. The applicants have failed to demonstrate fully that they have fully exhausted exploring alternative sites.

FOLLOWING ADJOURNMENT THE DEVELOPMENT CONTROL COMMITTEE RECONVENED ON THURSDAY 18 FEBRUARY 2010 AT 1.30PM.

**(1) Major Development Applications**

- (iii) 09/00741/IPM – BLAIRGOWRIE - Residential development with associated vehicular access, open space and landscaping (in principle) on land 100 metres east of the junction of Woodlands Park and Coupar Angus Road, Blairgowrie – Miller Homes Ltd – Report 10/74**

A Condliffe, Applications Team Leader, advised the Committee that Paragraph 46 on Page 18 of Report 10/74 should read “10 houses” instead of 20 houses.

**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 three years from the date of the grant of the planning permission in principle,
  - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of six 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, pedestrian links and means of access to the site.
3. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
4. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any 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 types(s) of contamination on the site including any source, pathway, receptor linkage.
  - (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 remediation measures.
5. The submitted sketch layouts are purely illustrative at this stage and are not approved and no specific number of houses is agreed at this stage and shall be subject to an acceptable scheme based on a medium density of housing with limited frontage access to residential property from the proposed distributor road being submitted under Condition 2 above, all to the satisfaction of the Council as Planning Authority.
6. The access location from Coupar Angus Road shall be positioned at the point indicated on the approved tree survey plan marked 'A' where there is a natural gap in the line of beech trees, unless otherwise agreed in writing, all to the satisfaction of the Council as Planning Authority.
7. The line of mature beech trees along the west boundary with Coupar Angus Road shall be retained other than the seven trees identified in the submitted Tree Survey Report for removal, and protected in accordance with BS 5837:2005 and shall be contained within a linear area of public open space where no houses shall be built within thirty metres of any of these retained trees all to the satisfaction of the Council as Planning Authority.
8. A Local Equipped Area for Play (LEAP) shall be provided by the developer and integrated within the area of public open space referred to in Condition 7 above:  
The long term maintenance of the public open space and the play area must be in accordance with one of the three options in line with Council policy as follows:
- (a) Perth and Kinross Council take title to the land and maintain the ground in perpetuity for a flat rate commuted sum payable by the developer. The sum is set annually per dwelling and is currently £300/unit excluding play areas which are charged as a single sum currently £19,000.
  - (b) The Greenbelt Company can take title to the land and maintain in perpetuity for a charge to the developer with the Council getting sight of the agreement.
  - (c) An approved alternative company maintains the open space in perpetuity for a charge to the developer and a

permanent bond is lodged with the Council against default.

The Council does not permit developers or their agents to include title of areas of public open space or levy an annual charge to individual residents for any of the options above.

9. The right of way must not be obstructed during building works or on completion. Any damage done to the route during the building works must be made good before the house is occupied or first let.
10. Any trees scheduled for removal as referred to in Condition 7 shall be checked for the presence of red squirrel dreys and also for bats prior to felling. In addition, the landscape proposals required under Condition 2 above should include tree species which would provide a source of food and shelter for red squirrels all to the satisfaction of the Council as Planning Authority.
11. The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
12. The development shall be in accordance with the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.
13. Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification (including the disposal of surface water) and facilities for public transport in the form of bus boarders, bus stops and associated shelters within the site and on the public road adjacent to the site shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
14. The road layout within the site shall be designed to include a distributor road to connect Coupar Angus Road to the east boundary of the site. Approval of Matters shall include an appropriate phasing plan for the provision of the distributor road to the satisfaction of the Planning Authority.
15. 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

### **Justification**

The application is contrary to the Development Plan, but may be approved as a departure in the light of the revised Housing Land Supply figures recently approved by the Council which constitute an

important material consideration which in this case warrants setting aside the Development Plan.

### **Informatives**

1. 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.
2. 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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.
5. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

**(iv) 09/01277/IPM – ERROL – Development of roadside service facilities at Horn Farm, Errol – J Farquharson – Report 10/75**

### **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 three years from the date of the grant of the planning permission in principle,

- (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of six 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 development hereby approved shall not commence until the drainage works have been provided to serve the development hereby permitted in accordance with details to be submitted and approved by the Scottish Environment Protection Agency and the Planning Authority.
4. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and agreed by Perth and Kinross Heritage Trust. 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.
5. The details to be submitted under Condition 2 above shall include a scheme of landscaping which shall, as a minimum, be twenty metres in depth around the boundary of the site or any variation to be approved by the Planning Authority.
6. The following undernoted clauses shall be attended to as follows:
  - The soundproofing of premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property.
  - All plant or equipment (including any ventilation system) 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 30 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a NR curve chart.
  - The idling of vehicle engines is prohibited.
  - 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.

- An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained within the commercial catering areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
7. The sketch layout on Drawing no. 3254-SD-100-A is purely illustrative only and is not approved.
  8. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

### **Justification**

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

### **Informatives**

1. 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.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with the Scottish Environment Protection Agency at an early date to establish the requirements for this application

## **(2) Local Applications**

### **(xii) 08/00865/FLL – SCONE – Erection of 39 flatted dwellings at the former Balgarvie Mill, Scone – A and J Stephen Ltd – Report 10/80**

A Condliffe, Applications Team Leader, advised that, should the Committee be minded to approve the application, Condition 10 on Page 111 should be omitted as it was not considered to be a reasonable condition to impose on the developer.

### **Resolved:**

**Grant**, subject to the following conditions, with the existing Condition 10 being deleted and the addition of Condition 14 as undernoted:

1. The development shall be begun within a period of three years from the date of this consent.

2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Council as 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 that 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 Council as Planning Authority.

4. Prior to the occupation of the first residential unit, the traffic light controlled junction at the junction of Angus Road and the new site access road shall be installed and commissioned to the requirements of the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
5. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation of the dwellings, to the satisfaction of the Council as Planning Authority.
6. 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 Planning Authority.
7. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
8. A minimum of 78 No. car parking spaces shall be provided within the site prior to the occupation of the development and shall be permanently maintained thereafter.
9. Prior to the occupation of the dwellings a secure waterproof cycle parking facility for a minimum of twenty cycles shall be provided within the site to the satisfaction of the Planning Authority and permanently maintained thereafter.
10. A minimum of ten units shall be administered by a registered social landlord, unless otherwise agreed in writing by the Council as Planning Authority.
11. Prior to the commencement of any works on site precise details of which (and how many) units are to be administered by the

- registered social landlord, shall be submitted for the approval in writing by the Council as Planning Authority.
12. Prior to the commencement of any works on site a detailed planting / landscaping scheme (including all proposed tree works), which must include a timescale for implementation, shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, within the agreed timescale, with replanting occurring as necessary to the satisfaction of the Council as Planning Authority.
  13. Prior to the commencement of any works on site precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval in writing by the Council as Planning Authority.
  14. A detailed scheme for storage of waste and recycling facilities shall be submitted for the further approval of the Planning Authority prior to commencement of the development and development shall not commence prior to the approval of that scheme.

#### **Justification**

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

#### **Informatives**

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. 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.
4. 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.

5. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
6. 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.

**(xiii) 09/01512/FLL – PITLOCHRY – Erection of 2 dwellinghouses Donavourd House, Donavourd, Pitlochry – G Hutcheson – Report 10/84**

A Condliffe, Applications Team Leader, advised the Committee that the figures quoted in Paragraph 48 on Page 168 and the Procedural Note on Page 171 with regard to a financial contribution, should read £12,210 (as opposed to £8,210 and £18,315 respectively).

**Resolved:**

**Grant**, subject to the following conditions and the addition of Condition 12 as undernoted:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access details to the satisfaction of the Planning Authority.
4. Prior to the occupation of any dwellinghouse on site the access shall not exceed 3% for the first 5.00 metres measured back from the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
5. Prior to the occupation of any dwellinghouse on site, visibility splays of 2.50m x 70.00m measured from the centre line of the new access shall be provided in both directions along the

nearside channel of the U165 public road insofar as the land is within control of the applicant and be thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

6. Surface water from hard surfaces shall be disposed of by a closed soakaway or by the implementation of a Sustainable Urban Drainage Scheme, in accordance with the *Sustainable Urban Drainage Systems Design Manual for Scotland & Northern Ireland: CIRIA 2000*.
7. A sample of all proposed finishing materials shall be submitted for the further written approval of the Planning Authority prior to the commencement of development. The proposed harling shall be a wet dash harl and the roof shall be a natural slate.
8. Notwithstanding the details on the plans hereby approved, no permission is granted for the house on Plot 1 and consent is granted for only two dwellinghouses. This area shall be retained as landscaped open space. An amended site plan showing Plots 2 and 3 to include the area of Plot 1 within their garden ground shall be submitted for the further written approval of the Planning Authority prior to the commencement of development.
9. All existing trees on site shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development. All methods of protection shall be in line with British Standard BS 5837 2005 - *Trees in Relation to Construction* and be placed in position prior to the commencement of any development onsite.
10. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development to allow for the replacement of the trees proposed for removal. This shall include details of the landscaping and planting on Plot 1. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with the Planning Authority.
11. 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.
12. Prior to the occupation or use of the proposed development the public road over a length of ten metres immediately adjacent to the access shall be widened to a minimum of 5.00 metres, to the satisfaction of the Planning Authority.

### **Justification**

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

### **Procedural Note**

Planning consent shall not be issued until a Section 75 Agreement has been signed or a payment paid upfront in respect of the following issue:

An Education Contribution of £6,105 per unit (£12,210) in line with Planning Guidance Note *Primary Education and New Housing Development May 2009*.

### **Informatives**

1. 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.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. 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.
4. There may be a possibility of bats or bat roosts in the vicinity of the site. The Wildlife and Countryside Act 1981 provides special protection for all species of bat. Bats are further protected under Regulation 39(1) of the Conservation (Natural Habitats & etc.) Regulations 1994. This means it is illegal to deliberately kill bats or to deliberately damage or destroy bat roosts or disturb bats in their roosts. As a result if there is any knowledge of bats at the site it is advised that a bat survey be undertaken by a suitably qualified consultant to ascertain if a licence is required.
5. There may be red squirrels within the vicinity of the application site. Under The Wildlife & Countryside Act 1981, Schedule 5 (as amended by the Nature Conservation (Scotland) Act 2004) it is now an offence to intentionally or recklessly kill, injure or take (capture) a Red Squirrel, to damage, destroy or obstruct access to any structure or place which a Red Squirrel uses for shelter or protection or to disturb a Red Squirrel while it is occupying a structure or place which it uses for that purpose.

As a result if there is any knowledge of red squirrels at the site it is advised that a survey be undertaken by a suitably qualified consultant prior to the commencement of any work on site to ensure red squirrels are suitably protected.

6. 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.
7. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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.
8. 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) Council Applications**

- (i) 09/01871/FLL – PERTH – Erection of Six Two Storey Dwellinghouses, Letham Primary School, Struan Road, Perth – Perth and Kinross Council – Report 10/91**

#### **Resolved:**

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

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. All matters regarding access, parking, road layout design and specification, including disposal of surface water, shall be in accordance with the standards required by the Council prior to the occupation of any dwelling, to the satisfaction of the Planning Authority.

4. 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.
5. The Planning Authority shall be notified if any ground contamination is found during construction and thereafter a scheme to deal with the contamination shall be submitted to and agreed with the Planning Authority. The scheme shall include a full timetable for reclamation measures proposed and verification shall be provided on completion that reclamation has been undertaken in accordance with and to the standard specified in the approved reclamation scheme.
6. Samples of all finishing materials shall be submitted to the Planning Authority for approval prior to the commencement of work.

### **Justification**

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

### **Informatives**

1. 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.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. 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.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development

- Readily visible to the public
  - Printed on durable material.
5. 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.

**(ii) 09/01435/FLL – KIRKMICHAEL – Relocation of monument and repair of cross at James Small Monument, Kirkmichael –Perth and Kinross Council – Report 10/93**

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to works commencing, precise details of all fixings (including method of fixing) shall be submitted for the approval in writing by the Council as Planning Authority.

**Justification**

The proposal accords with the Development Plan and there are no material reasons to merit a refusal.

**Informatives**

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

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.

**(iii) 09/01804/FLL – PERTH – Replacement of existing wall mounted street lights and erection of column lighting at High Street and King Edward Street, Perth – Perth and Kinross Council – Report 10/94**

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. No consent is given for the proposed lamp at position 8 which is located on 130-150 High Street. Lamp 8 shall be relocated to east of the façade to take cognisance of the building's fenestration. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
4. No consent is given for the proposed lamps at positions 11 and 13 which are located on 111-119 High Street. Lamp 11 shall be relocated to ensure they are symmetrically placed on this façade thus taking cognisance of the building's fenestration. Prior to the commencement of development, revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
5. No consent is given for the proposed lamps at positions 15 and 20 which are located on 2 - 8 King Edward Street and 108 - 112 High Street. Lamps 15 and 20 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
6. No consent is given for the proposed lamp at position 22 which is located on 86 - 96, 98 -102 High Street. Lamp 22 shall be

relocated to the east of the façade to take cognisance of the building's fenestration. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

7. No consent is given for the proposed lamp at position 26 which is located on 45-53 High Street. Lamp 26 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
8. No consent is given for the proposed lamp at position 29 which is located on 45-53 High Street. Lamp 29 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
9. No consent is given for the proposed lamp at position 30 which is located on 48, 50 High Street. Lamp 30 shall be relocated. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
10. No consent is given for the proposed lamp at position 32 which is located on 44 - 46 High Street. Lamp 32 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
11. No consent is given for the proposed lamp at position 33 which is located on 21 - 31 High Street. Lamp 33 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be

- implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
12. No consent is given for the proposed lamp at position 36 which is located on 28, 30 High Street and 1-5 Watergate. Lamp 36 shall be relocated to the east to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
  13. For the avoidance of doubt cables and equipment boxes on the facades of buildings shall be disguised by following existing elevation features, service runs or rainwater goods. Where this is not possible details of cable and equipment box colouring will be supplied to ensure that they match the background colour they are to be mounted on which shall be approved in writing by the Planning Authority in consultation with Historic Scotland prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
  14. Where wall mounted units are to be removed and not replaced in the same location, details on remediation works will be supplied prior to the commencement of development and approved in writing by the Planning Authority to ensure repairs match the original surface in terms of material and finish. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
  15. For the avoidance of any doubt the existing column street lighting shall be removed once the scheme as approved has been implemented and brought into use all to the reasonable satisfaction of the 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. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning

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

2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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.
- 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.

**(iv) 09/01806/LBC – PERTH – Replacement of existing wall mounted street lights at High Street and King Edward Street, Perth – Perth and Kinross Council – Report 10/95**

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. No consent is given for the proposed lamps at positions 15 and 20 which are located on 2 - 8 King Edward Street and 108 - 112 High Street. Lamps 15 and 20 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
4. No consent is given for the proposed lamp at position 22 which is located on 86 - 96, 98 -102 High Street. Lamp 22 shall be relocated to the east of the façade to take cognisance of the building's fenestration. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland.

Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

5. No consent is given for the proposed lamp at position 26 which is located on 45-53 High Street. Lamp 26 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
6. No consent is given for the proposed lamp at position 29 which is located on 45-53 High Street. Lamp 29 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
7. No consent is given for the proposed lamp at position 30 which is located on 48, 50 High Street. Lamp 30 shall be deleted. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
8. No consent is given for the proposed lamp at position 32 which is located on 44 - 46 High Street. Lamp 32 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
9. No consent is given for the proposed lamp at position 33 which is located on 21 - 31 High Street. Lamp 33 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
10. No consent is given for the proposed lamp at position 36 which is located on 28, 30 High Street and 1-5 Watergate. Lamp 36 shall be relocated to the east to make use of existing mounting

points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

11. For the avoidance of doubt cables and equipment boxes on the facades of buildings shall be disguised by following existing elevation features, service runs or rainwater goods. Where this is not possible details of cable and equipment box colouring will be supplied to ensure that they match the background colour they are to be mounted on which shall be approved in writing by the Planning Authority in consultation with Historic Scotland prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
12. Where wall mounted units are to be removed and not replaced in the same location details on remediation works shall be supplied prior to the commencement of development and approved in writing by the Planning Authority to ensure repairs match the original surface in terms of material and finish. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

#### **Justification**

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

#### **Procedural Note**

As the application involves work to Category B Listed Buildings the consent shall not be issued until formal ratification from Historic Scotland has been received.

- (v) **09/01856/FLL – CRIEFF – Installation of wireless link equipment at 32 James Square, Crieff – Perth and Kinross Council – Report 10/96**

#### **Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.

3. The proposed Ethernet unit and mounting pole and brackets shall be coloured/painted a suitable colour to blend in with the coursed rubble stonework of the building and details of this finish shall be provided for the written approval of the Planning Authority prior to the commencement of development.
4. Details of the non-corrosive material proposed for the brackets and fixings shall be submitted for the further written approval of the Planning Authority, prior to the commencement of development.

### **Justification**

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

### **Informatives**

1. This consent is approval of application Ref no 09/01856/FLL for planning permission only. It does not include any approval for the related application for Listed Building Consent Ref no (09/01857/LBC). The applicant should therefore not commence work until they have received Listed Building Consent. Carrying out of alterations without Listed Building Consent is an offence.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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 provided to the applicant for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. 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.

**(vi) 09/01857/LBC – CRIEFF – Installation of wireless link equipment at 32 James Square, Crieff – Perth and Kinross Council – Report 10/97**

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. The proposed Ethernet unit and mounting pole and brackets shall be coloured/painted a suitable colour to blend in with the coursed rubble stonework of the building and details of this finish shall be provided for the written approval of the Planning Authority prior to the commencement of development.
4. Details of the non-corrosive material proposed for the brackets and fixings shall be submitted for the further written approval of the Planning Authority, prior to the commencement of development.

**Justification**

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

**Informatives**

1. The property is listed Category B; Item 85; Crieff Burgh. It is therefore necessary to submit the application to Historic Scotland for ratification of the Council's decision, if it is approved by this Committee.
2. This consent only relates to approval of application reference 09/01857/LBC for Listed Building consent and does not include any approval for the related planning application reference 09/01856/FUL.

**(vii) 09/01903/FLL – ABERFELDY – Installation of a single multi fume extract system at Breadalbane Community Campus, Crieff Road, Aberfeldy – Perth and Kinross Council – Report 10/98**

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.

2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. The extract flue shall be painted a dark grey recessive colour and details of the colour shall be submitted for the further written approval of the Planning Authority prior to the commencement of development
4. The fume cupboards and associated extract system shall be installed, operated and maintained in accordance with BS EN 14175:2003 & CEN/TS 14175-5:2006.
5. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on an NR curve chart.
6. An effective ventilation system commensurate with the nature and scale of activities to be undertaken shall be installed, operated and maintained such that emissions from the extract system are not exhausted into or escape to any neighbouring property.

#### **Justification**

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

#### **Informatives**

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

**(viii) 09/02108/FLL – SCOTLANDWELL – Formation of a recycling point and erection of an information board on land at Youngs Moss Scotlandwell – Perth and Kinross Council – Report 10/99**

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. No development shall take place until there has been submitted to and approved in writing by the local Planning Authority a plan indicating the positions, design, material, colour (preferably dark green) and type of boundary treatment to be erected around the recycling point. The boundary treatment shall be completed in accordance with the approved details before the use hereby permitted is brought into use and thereafter retained all to the reasonable satisfaction of the local Planning Authority.
4. All servicing vehicles associated with the collection of materials from the site shall be restricted to between the hours of 08:00 to 19:00 hours on all days.

**Justification**

Overall the application is considered to comply with the adopted Kinross Area Local Plan 2004. There are no material considerations which would justify overriding the adopted Development Plan.

**Informatives**

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

- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning (Scotland) 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.
- 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.