

Perth and Kinross Council  
Development Control Committee – 12 May 2010  
Report of Handling by Development Quality Manager

**Formation of a recycling point and erection of an information board, land 50 metres south of 16 St Cedd's Road, Ballinluig PH9 0NH**

Ref. No: 10/00451/FLL  
 Ward No: 4 - Highland

**Summary**

This report recommends approval of the application for the formation of a recycling point and erection of an information board as the development is considered to comply with the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located to the west of St Cedd's Road in Ballinluig. The recycling point is proposed to be formed adjacent to an existing turning area for buses and other vehicles. The proposal includes the provision of six recycling bells (three for glass, one for cans, one for paper and one for textiles), a cardboard recycling facility, a litter bin and a community information board. The application has been advertised in the local press.
- 2 Residential properties are located some 35m to the north and 45m to the east of the site. The public road with the A9(T) lies to the west. There is an area of open space to the south of the application site. The site is to be formed to the rear of the existing turning area, with an additional area of hardstanding being formed. The trees which currently enclose the site are to be crown-lifted or trimmed as necessary.

**NATIONAL POLICY AND GUIDANCE**

**Scottish Planning Policy 2010**

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
  - the Scottish Government's view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,
  - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
  - concise subject planning policies, including the implications for development planning and development management, and
  - the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 212-224, which relate to waste management and reiterate the Scottish Government's commitment to waste reduction and acknowledges that there will need to be a significant increase in waste management infrastructure.

#### **Planning Advice Note: 56 Planning and Noise**

- 4 This advice note demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.

#### **Planning Advice Note 63: Waste Management Planning**

- 5 This Planning Advice Note (PAN) complements Scottish Planning Policy 2010: Planning and Waste Management. It also builds on the information given on land use planning for waste management in the National Waste Strategy: Scotland (NWS).

### **DEVELOPMENT PLAN**

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan 2000.

#### **Perth and Kinross Structure Plan 2003**

##### **Environment and Resources Policy 18**

- 7 Perth & Kinross Council will actively pursue a policy of self-sufficiency for waste management within the Tayside Waste Plan Area. Development proposals for waste management facilities will only be supported where they are justified against the National Waste Strategy and Local Plans will establish a policy framework and location criteria to control and direct the development of waste management facilities whilst ensuring protection of key environmental assets and the quality of life for residents. Encourage, in conjunction with other waste management initiatives, development that supports waste reduction and recycling and accord with the Development Strategy and BPEO as set out by the Tayside Area Waste Plan.

#### **Highland Area Local Plan 2000**

- 8 Under the Local Plan the site lies within the defined settlement of Ballinluig and therefore the following policies prevail:-

##### **Policy 1: Sustainable Development**

- 9 Seeks to ensure that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Criteria (c), (f) and (g) are particularly applicable.

## **Policy 2: Development Criteria**

- 10 Identifies the criteria against which all development proposal will be judged against and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

## **Policy 87: Village Uses**

- 11 Identifies villages where residential amenity and village character will be retained and, where possible, improved.

## **OTHER POLICIES**

- 12 None.

## **SITE HISTORY**

- 13 There have been no previous planning applications on this site.

## **CONSULTATIONS**

- 14 Environmental Health Manager: No objections subject to conditions requiring an acoustic screen fence to be higher than the top of the recycling facility in order to mitigate noise from glass being dumped and that the hours of servicing be restricted to between 8am to 7pm Monday to Friday to mitigate the noise from moving and/or emptying the glass bins.

## **REPRESENTATIONS**

- 15 Number of representations received: One, raising issues noted below:
- The land is currently used for turning large vehicles
  - Traffic management is at saturation level during the day due to businesses in the village
  - The recycling point would pose a danger to the adjacent children's park, from hazardous materials and fly tipping
  - Additional traffic will cause obstruction on St Cedd's Road
  - Odour and noise will cause nuisance to residents

- 16 These issues are dealt within the appraisal section of this report.

## **17 Additional Statements Received**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Not required

## **APPRAISAL**

- 18 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Perth Area Local Plan 1995.
- 19 The determining issues in this case are whether: the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

### **Policy**

- 20 The Structure Plan recognises that everyone produces waste through their day-to-day activities, as householders, at work or through leisure. It is therefore important to recognise that everyone has a part to play in moving towards a more sustainable system. The strong dependence on landfill for waste in Perth and Kinross is not sustainable in the longer term as it involves the depletion of both renewable and finite natural resources. These represent an overall loss to society, the economy, and the environment.
- 21 The proposed recycling collection point will effectively promote and help residents of Perth and Kinross to reduce the extent of waste being sent to landfill and thus minimising levels of pollution and the consumption of finite resources. Taking this matter into account I consider the scheme adheres to Environment and Resources Policy 18 of the Structure Plan.

### **Noise and Odour**

- 22 To ensure the development is compatible with its surroundings in land use terms the Council's Environmental Health Manager was consulted on the application. The response notes the major noise source in the immediate area is traffic noise from the A9(T) though as it may not mask noise from the recycling point (due to the different nature and characteristics) additional controls are necessary.
- 23 A restriction on the hours of servicing of the recycling point is also recommended with the purpose of preventing any noise nuisance to nearby residential properties. Conditions can be attached to any permission to ensure the appropriate mitigations are implemented.

### **Visual Impact on the Character of the Area**

- 24 There is a requirement to ensure that the character of the area is protected under Policy 87 of the adopted Local Plan. I am satisfied that the proposed development will not have a significant adverse effect on the visual amenity of the area. The proposed screen fence to the rear screen fence will protect the visual amenity of the area to ensure compliance with Policy 87. The screen

fence should be preferably dark green in nature and this can be controlled through a suitably worded condition.

### **Residential Amenity**

- 25 The proposed layout and the distance from the nearest residential properties will ensure existing dwellinghouses will not have their residential amenity affected by the proposed development.
- 26 Concerns have been raised relating to the potential impact on the amenity of existing residents in respect of the traffic levels on the minor public road which serves the site and this is addressed in the following section.

### **Local Road Network**

- 27 It has been confirmed by my colleagues in Roads that there are no capacity issues relating to the local road network in Ballinluig.

### **LEGAL AGREEMENTS**

- 28 A legal agreement is not required for this application.

### **Planning Authority with an Interest in the Land**

The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure to the Development Plan. In this case the development would not represent a significant departure and therefore there is no requirement for a notification in this instance

### **DIRECTION BY SCOTTISH MINISTERS**

- 29 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30–32, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 30 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered to comply with the adopted Structure and adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application 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, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the development hereby approved being brought into use, a close-boarded screen fence with a minimum mass per unit area of 15kg/m<sup>2</sup> shall be erected at the rear and the ends of the recycling point. The height of the fence shall be such that the line of sight from nearby dwellinghouses to the recycling point is broken. Furthermore, the fence shall be painted a dark recessive colour, to the satisfaction of the Council as planning authority.
- 4 The hours of servicing of the recycling point shall be restricted to between 0800 hours and 1900 hours, Monday to Friday unless otherwise agreed in writing by the Council as planning authority.

### **Reasons:-**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 To safeguard the residential and visual amenity of nearby residential properties and the visual amenity of the locality.
- 4 To safeguard the residential amenity of nearby residential properties.

### **B JUSTIFICATION:**

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

### **C PROCEDURAL NOTE**

None.

### **D 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.

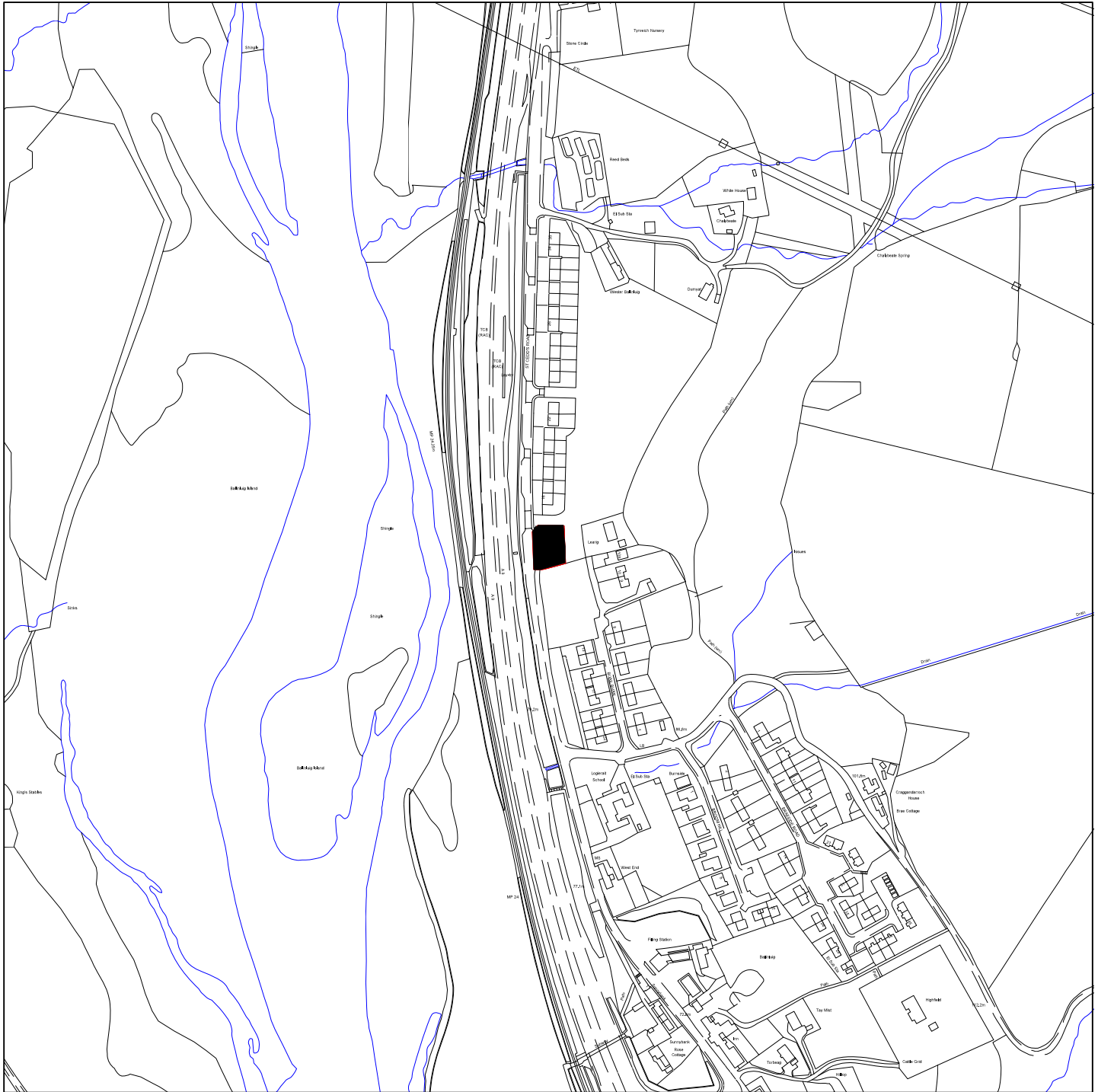
3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: 1 letter of representation  
Contact Officer: Christine Brien – Ext 75359  
Date: 21 April 2010

**Nick Brian**  
**Development Quality Manager**



Formation of recycling point, St Cedd's Road, Ballinluig



Scale : 1:5000

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<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	30 March 2010
<b>SLA Number</b>	100013289

