

Perth and Kinross Council  
Development Control Committee – 17 March 2010  
Report of Handling by Development Quality Manager

**Formation of a recycling point at Tulloch Institute  
 2 Tulloch Terrace, Perth PH1 2PF**

Ref. No: 10/00025/FLL  
 Ward No: N11 - Perth City North

**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 north of the Crieff Road within Perth City. The recycling point is proposed to be formed on an existing area of hard standing which is used as a car park for the adjacent Tulloch Institute. The proposal includes the provision of three recycling bells and a community information board. The application has been advertised in the local press.

**NATIONAL POLICY AND GUIDANCE**

- 2 The Scottish Government expresses its planning policies through The National Planning Framework, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements.

**The Scottish Planning Policy 2010**

- 7 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 reiterates 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**

- 3 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**

- 4 This Planning Advice Note (PAN) complements Scottish Planning Policy 10: 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**

- 5 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995. The principal relevant policies are in summary: -

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

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

- 6 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.

### **Perth Area Local Plan 1995**

- 7 The principle relevant policies are in summary: -

#### **General Residential and Background Policies: Policy 41**

- 8 Where sites become available for development, housing will generally be the most obvious alternative use. Some scope may exist for infill development but only where this will not significantly affect the density, character or amenity of the area concerned. Small areas of private or public open space will be retained where they are of recreational or amenity value to their surroundings.

### **Roads and Transport: Policy 65**

- 9 Adequate provision of car parking and servicing must be made in all new development in conformity with Regional Council standards and to the satisfaction of the District Council.

### **Roads and Transport: Policy 67**

- 10 The Council will encourage the provision of facilities which afford easier access and mobility for the disabled.

### **Draft Area Local Plan 2004**

- 11 The Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage. Given this was a draft document which did not reach an advanced stage I cannot give this any significant material weight in the determination of this application.

### **OTHER POLICIES**

- 12 None.

### **SITE HISTORY**

- 13 None of relevance.

### **CONSULTATIONS**

- 14 Environmental Health Manager: - No objection subject to conditions.

### **REPRESENTATIONS**

- 15 Number of representations Received: None  
16 Summary of Issues raised by Representations: Not applicable.

### **ADDITIONAL STATEMENTS**

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**

- 23 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.
- 24 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**

- 25 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.
- 26 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**

- 27 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 recycling point is to be located on land around 12 metres away from the nearest residential properties and ordinarily the Environmental Health Section would object.
- 28 It is however noted that there is no other appropriate location for the recycling facility in the locale and Waste Management have contacted the resident of the premises most likely to be affected who has offered no objection at this stage.
- 29 Taking this into account Environmental Health Service and Waste Services have reached an arrangement that should noise be found to be a nuisance then measures will be taken to attenuate the noise up to and including withdrawal of the site. A condition for the erection of a three sided acoustic screen is requested at this stage.

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

- 30 There is a requirement to ensure that the character of the area is protected under Policy 41 of the adopted Local Plan. I am satisfied that the proposed screening will protect the visual amenity of the area to ensure compliance with Policy 41. The screening should be preferably dark green in nature and this can be controlled through a suitably worded condition.

## **LEGAL AGREEMENTS REQUIRED**

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

## **DIRECTION BY SCOTTISH MINISTERS**

- 32 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**

- 33 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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the commencement of development details of the colour of the timber screen shall be submitted to and approved in writing by the planning authority. Thereafter the screen shall be installed and retained in accordance with the approved details all to the reasonable satisfaction of the planning authority.
- 4 For the avoidance of any doubt the proposed timber fencing/acoustic screen will have a minimum mass per unit area of 15kg/m<sup>2</sup> and shall be installed around the recycling point prior to the facility being brought into operation and retained thereafter all to the reasonable satisfaction of the planning authority unless otherwise agreed in writing.

## **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 visual amenities of the locality and the privacy/amenities of the adjoining properties.
- 4 To safeguard the residential amenity of neighbouring properties and to ensure the Planning Authority maintains effective control.

## **B JUSTIFICATION**

Overall the application is considered to comply with the adopted Perth Area Local Plan 1995. 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.

## **C PROCEDURAL NOTES**

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.

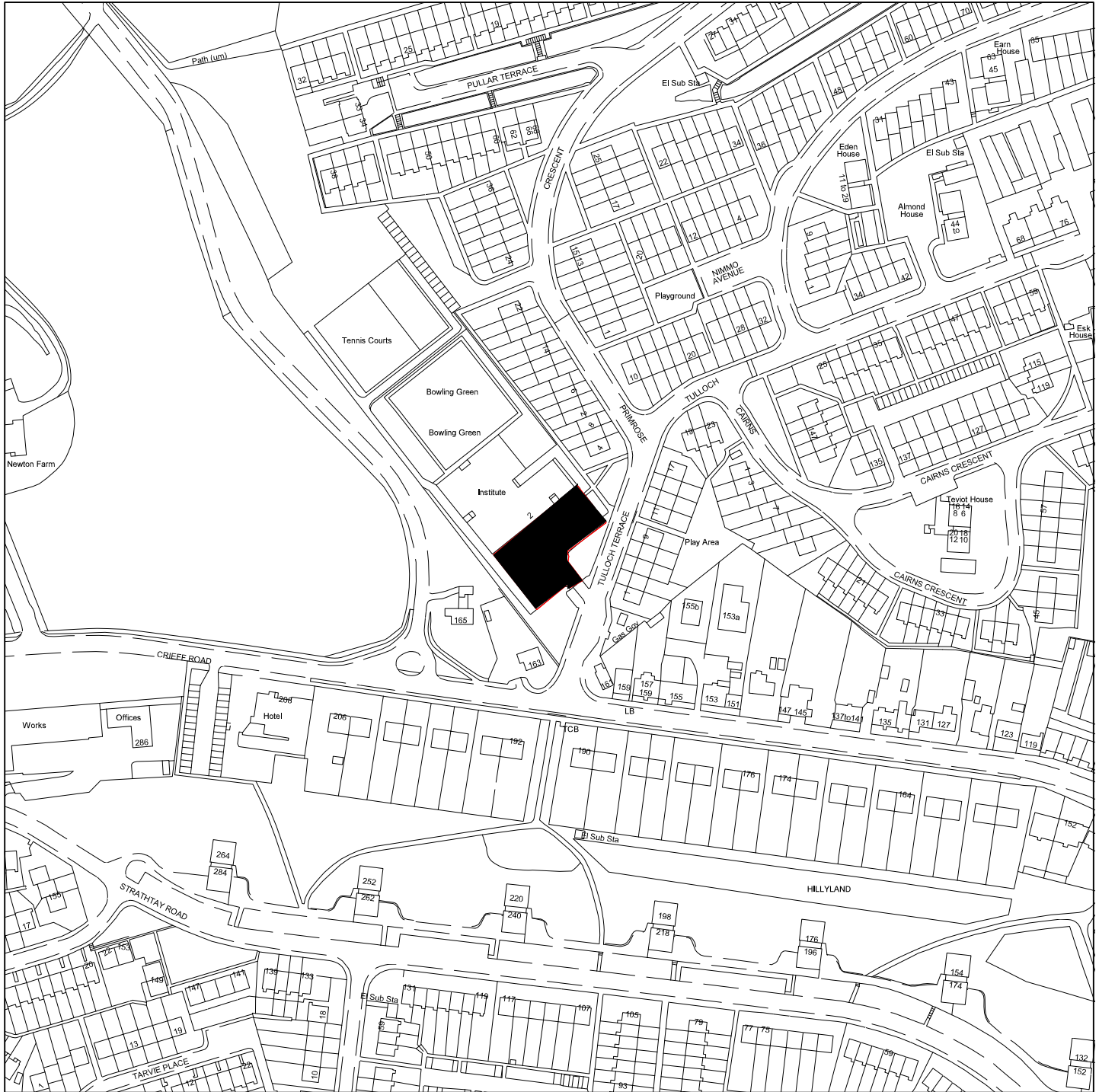
Background Papers: None  
Contact Officer: Name John Russell – Ext 4(75346)  
Date: 16 February 2010

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**



# 10/00025/ FLL

## Formation of recycling point, Tulloch Institute, Perth



Scale : 1:2500

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<b>Organisation</b>	Perth & Kinross Council
<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	19 February 2010
<b>SLA Number</b>	100013289

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