

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 October 2011 at 9.30am.

Present: Councillors R Band, L Caddell, I Campbell, C Gillies, E Grant, T Gray (with the exception of Art. 571(4)(i)), G Hayton (substituting for Councillor W Wilson), A Jack, J Kellas, W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: Councillors B Ellis and C Shiers (up to and including Art. 571(3)(iii)), N Brian, A Condliffe, J Thomson, K Steven, B Reekie (up to and including Art. 571(2)(i)), S Dunn, M Petrie, G Peebles and A Bendall (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Councillor B Band, Vice-Convenor, Presiding.

568. DECLARATIONS OF INTEREST

Councillor T Gray declared a financial interest in Art. 571(4)(i) in terms of the Councillors' Code of Conduct.

569. MINUTE OF MEETING OF 21 SEPTEMBER 2011

The Minute of Meeting of the Development Control Committee of 21 September 2011 (Arts. 526-529) was submitted, approved as a correct record and authorised for signature.

570. DEPUTATIONS

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

Planning Application No.	Article No.
10/01767/FLM	571(2)(i)
11/01199/FLL	571(3)(iii)
11/01091/FLL	571(4)(i)

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

571. APPLICATIONS FOR DETERMINATION

(1) Application Previously Considered

- (i) 11/00838/FLL – METHVEN – Change of use to enable the additional use of the site for the drying of sawdust and the manufacture of wood pellets at South Cassochie Farm, Methven – Halleys Feeds – Report 11/517**

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Motion (Councillors W Lumsden and A Jack) – Grant, for a trial period of six months, subject to (i) conditions contained in Report 11/517; (ii) Condition 3 (hours of operation) being amended; and additional Conditions 19 and 20 being added.

Amendment (Councillors J Kellas and T Gray) – 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, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. The hours of operation of the plant shall be limited to 0730 to 2300 Monday to Friday and 0730 to 1630 on Saturday.**
- 4. The number of deliveries and collections to and from the plant shall be restricted to a maximum of 8 two way (16 single) HGV movements per weekday and 3 two way (6 single) HGV movements on a Saturday. No deliveries or collection shall be permitted on a Sunday.**
- 5. The hours of delivery and collection of materials to and from the site shall be restricted to 0730 to 1800 Monday to Friday and 0730 to 1600 on a Saturday.**
- 6. All plant or equipment associated with operation of the business shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.
The applicant shall, upon written request and unless otherwise agreed in writing with the Planning Authority, put in place additional measures to ensure that low frequency components of the noise are not detectable above background levels in any nearby residential property to the satisfaction of the Council as Planning Authority.**
- 7. Prior to the commencement of operations the road improvement works on the U30 public road and the existing private road to South Cassochie Farm, all as identified in the T A Millard Transport Assessment in the Supporting Information for the application, shall be carried out and maintained thereafter to the satisfaction of the Council as Planning Authority.**

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8. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear prior to the commencement of any operations.
9. Three HGV parking spaces shall be provided within the site prior to the commencement of any operations.
10. Prior to the commencement of drying operations an extra cyclone as described in the Seal Environment report HFL.001/AQ, or an extra cyclone of at least equivalent efficiency, shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.
11. The applicant shall follow the measures set out in the Dust Management Plan and detail, complete and retain the associated records for the perusal of the Council as Planning Authority.
12. A dust monitoring scheme shall be instigated prior to the commencement of sawdust drying and shall run for a total of six months of the sawdust drying operation, with the applicant supplying the reports to the Council as Planning Authority on a monthly basis.
13. The exact position of any monitoring equipment shall be agreed in writing with the Council as Planning Authority prior to the commencement of the development.
14. If, after the six months period of dust monitoring, any aspect of the operation results in justified dust nuisance complaints, the applicant shall arrange for dust monitoring to be reinitiated, under the supervision of a recognised consultant, to the satisfaction of the Council as Planning Authority.
15. Only low sulphur coal (<0.7%) is permitted to be used as the fuel source at the processing plant and receipts for this shall be kept for the perusal of the Planning Authority along with a record of total coal usage for a period of three years.
16. Only sawdust from virgin timber may be used.
17. The proposed core path shown in purple on plan no. 11/00838/9 must not be obstructed during the operation of the development.
18. An acoustic noise barrier shall be erected within the site in accordance with the recommendations detailed in the Noise Impact Assessment undertaken by the Charlton Smith Partnership, dated 21 September 2007; all to the satisfaction of the Planning Authority.

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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. 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. The proposed development is in close proximity to a gas pipeline. As such the applicant is advised to contact the National Grid Asset Protection Team prior to commencement of works.
4. 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.

Amendment – 8 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

(2) Major Application

- (i) **10/01767/FLM – GLENFARG – Erection of an energy from waste facility (using gasification technology) and associated infrastructure and landscaping works at Binn Farm, Glenfarg – SITA UK – Report 11/518**

Ms A Wilshaw and Mr M Cracknell, SITA UK, on behalf of the applicant; Mr M Gallagher, objector to the application and Ms A Sangster, on behalf of Abernethy Community Council,

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addressed the Committee, and, following their respective representations, 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, unless otherwise provided for by conditions imposed on the planning consent, with the exception of minor changes to built structures agreed in writing with the Planning Authority.
3. 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.
4. Unless otherwise agreed with the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA), the amount of residual municipal waste treated in the energy from waste plant in any year shall not exceed 25% of the total municipal waste arising from the potential feeder local authorities identified in the Environmental Statement produced in support of this planning application.
5. Unless otherwise agreed with the Planning Authority in consultation with SEPA, only residual waste (i.e. waste remaining after all practicable and reasonable efforts have been made to extract recyclable and compostable material) shall be treated in the development hereby approved.
6. At least two months prior to the commencement of any works, a full site specific Environmental Management Plan (EMP) must be submitted for the written approval of the Planning Authority, in consultation with SEPA where appropriate and all work shall be carried out in accordance with the approved plan.
7. Prior to the commencement of any works on site, a full site Waste Management Plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.
8. Prior to the acceptance of any waste for thermal treatment at the facility (including the first operations to begin commissioning) the operator shall have written permission from the relevant competent authority to export electricity to the National Grid and have a physical connection in place such that power generated for export

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can be sent to the National Grid from the commencement of operations.

9. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments, all planting and a Biodiversity Management Plan shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. A Landscape Management Plan shall also be submitted to ensure the establishment and maintenance of the landscape proposals.
10. Prior to the commencement of work on site drainage details for the site shall be submitted and approved by the Planning Authority. The details shall comply with the requirements of Surface Water Best Management practice for Sustainable Urban Drainage (SUDS). This will include detailed measures to ensure that surface water is not polluted before flowing into any watercourses, which will involve monitoring, review, corrective action and maintenance. The approved details of the SUDs scheme shall be implemented prior to the occupation of the development hereby approved.
11. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear prior to the development being brought into use and shall be maintained permanently thereafter.
12. Adequate car and HGV parking spaces shall be provided within the site.
13. All heavy commercial vehicles carrying bulk materials or waste into and out of the site during the construction, operational and decommissioning phases of development shall be covered unless the load is otherwise enclosed, except when required to inspect incoming loads of waste.
14. No development shall commence until a written scheme of details has been submitted to and approved in writing by the Planning Authority setting out measures for the control of windblown dust or debris during the construction phase of the development hereby permitted. The scheme shall include details of fencing and damping down with water of excavated construction and cover materials on site. The scheme shall be implemented in accordance with the approved details unless the Planning Authority gives its prior written consent to any variation.
15. Development shall not commence until there has been submitted to and approved in writing by the Planning Authority a scheme of lighting of the development hereby permitted for both its construction and operational phases.
16. On commencement of the operation of the development hereby permitted there shall be no storage of materials or equipment on roadways or landscaped areas unless written consent thereto is given by the Planning Authority.

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17. The company shall give at least 2 working days notice to the Planning Authority of any proposed operation of emergency pressure valves or similar equipment. So far as is reasonably practicable these operations shall only take place between the hours of 0900-1700 hours Monday - Saturdays and not on any Sunday or Bank Holiday.
18. The Gasification Facility is hereby permitted to operate 24 hours a day, 7 days a week. Waste will only be delivered to the site between the hours of 0700 and 1800 Monday - Friday and between 0700 and 1300 on Saturdays. There will be no deliveries on Sundays or public holidays.
19. Prior to commencement of work on site the applicant will be required to submit a Traffic Management Plan to be implemented which will encourage all HGVs servicing the Gasification Plant to access the site via junction 9 of the M90 and the A912, all to the satisfaction of the Council as Roads Authority.

Justification

The proposal does not strictly comply with the Adopted Local Plan, however it does comply with more recent Structure and National Planning Policy. There is an extant consent on the site for a similar facility and the other material considerations available justify a recommendation of approval.

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

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obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. The applicant 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.
5. 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.
6. No work shall be commenced until an application for building warrant has been submitted and approved.

(ii) 11/01104/FLM – PITLOCHRY – Creation of new 9 hole golf course, practice areas, covered driving range, extend car park and re-alignment of hole no. 2 at Pitlochry Golf Course, Golf Course Road, Pitlochry – Pitlochry Golf UK– Report 11/519

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, unless otherwise provided for by conditions imposed on the planning consent.
3. No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority, to protect site MPK17650. Also, no works shall take place beyond the fencing without the prior agreement of the Planning Authority and Perth and Kinross Heritage Trust.
4. The existing Right of Way which traverses the western boundary of the application site, and is marked in yellow on drawing ref 11/01104/9, shall remain open during both construction and on completion of the development unless otherwise agreed in writing with the Planning Authority.
5. Details of the alternate right of way proposed, and marked on drawing ref: 11/01104/9, shall be submitted for the further written approval of the Planning Authority prior to the commencement of development. The details shall

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include drainage details for the path and signage locations.

6. The planting proposals outlined in the Architect's Statement (11/01104/1) and plans shall be carried out and completed during the development of the site and the planting completed prior to the use of the development site, unless otherwise agreed in writing with the Planning Authority.

Justification

The proposal is considered to comply with the provisions of the Development Plan and no material considerations are apparent which would outweigh 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. 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. An application for Building Warrant may be required.

(3) Local Applications

- (i) **11/00561/FLL – COUPAR ANGUS – Erection of nine dwellinghouses at Site Of Moorfield House Hotel, Myreriggs Road, Coupar Angus – Delect Properties Ltd – Report 11/520**

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, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of any works on site precise details of all boundary treatments shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in

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- full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on site precise details of all external finishing materials shall be agreed in writing by the Council as Planning Authority. The approved details shall be implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.
 5. Unless otherwise agreed in writing, prior to the occupation of the first dwelling, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
 6. Prior to the commencement of any works on site precise details of all temporary structures (including the stockpiles of materials) required for the construction phases shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.
 7. A detailed scheme to deal with contamination on the site shall be submitted prior to the commencement of any works on site. The scheme shall contain details of proposals to deal with contamination to include:
 - a) the nature, extent and type(s) of contamination on the site
 - b) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - c) measures to deal with contamination during construction works
 - d) condition of the site on completion of decontamination measures.

Prior to the occupation of any of the dwellings, the measures to decontaminate the site as approved by the Council as Planning Authority shall be fully implemented.
 8. Unless otherwise agreed in writing, all trees and hedges shall be retained and be adequately protected by stout fencing during the course of construction to the satisfaction of the Council as Planning Authority.
 9. Prior to the commencement of any works on site, a detailed Root Protection Zones (RPZ) plan shall be submitted for the approval in writing by the Council as Planning Authority. The approved plan must be implemented in full during the entire construction phase, to the satisfaction of the Council as Planning Authority.
 10. Prior to the commencement of any works on site precise details of any on site waste and recycling facilities shall be submitted for the approval in writing by the Council as

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Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

11. Prior to the commencement of any works on site a detailed landscaping and planting scheme (including implementation timescales) 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 and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.
12. Prior to the commencement of any works on site precise details of the surfacing of both the new private accesses shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

Justification

The development is considered to comply with the Development Plan and there are no material considerations which would warrant a refusal under these circumstances.

Procedural Notes

Formal consent shall not be granted until such time as the required primary education and affordable housing contributions have been made, or a legal agreement concluded for the delayed payment of the contributions.

Informatives

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

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4. 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.

(ii) 11/01106/FLL – ERROL – Erection of 6 No. detached dwellinghouses and two blocks of 8 No. terraced dwellinghouses at land at Northbank, Errol – Stewart Milne Homes – Report 11/521

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, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of any works on site a detailed landscaping and planting scheme (including implementation timescales) 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 and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on site precise details of any on site waste and re-cycling facilities shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.
5. Prior to the commencement of any works on site, a detailed Root Protection Zones (RPZ) plan shall be submitted for the approval in writing by the Council as Planning Authority. The approved RPZ plan must be implemented in full during the entire construction phase, to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of any works on site precise details of all temporary structures (including the stockpiles of materials) required for the construction phases shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.
7. Prior to the commencement of any works on site precise details of all external finishes shall be agreed in writing by the Council as Planning Authority. The approved details

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- shall be implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.
8. Prior to the commencement of any works on site precise details of all boundary treatments shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.
 9. The asserted right of way and proposed core path shown in PURPLE on plan ref 11/01106/9 must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the first house is occupied/first unit is let etc. Any temporary restrictions to public access required to facilitate works on site must be agreed in writing and in advance with the Council as Planning Authority.
 10. Within three months of the date of the decision notice, a detailed plan which shows secure waterproof cycle parking facilities (for a minimum of 16 cycles) shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, and be retained for perpetuity, to the satisfaction of the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material considerations which merit refusing the planning application.

Procedural Notes

Formal consent shall not be granted until such time as the required primary education and affordable housing contributions have been made, or a legal agreement concluded for the delayed payment of the contributions.

Informatives

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

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

- (iii) **11/01199/FLL – BLAIRGOWRIE – Change of use from (Class 1) Retail to (Class 3 – Food & Drink) Public House including internal and external alterations and new shop front at 25 Allan Street, Blairgowrie – JD Weatherspoon – Report 11/522**

A Condliffe, Applications Team Leader, requested that, should the Committee be minded to approve the application, an additional Condition 11 be added.

Mr K Stephen, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

In terms of Standing Order 53, Councillors B Ellis and C Shiers, two of the elected members representing Ward 3, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and an additional Condition 11 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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. No music amplified or otherwise shall be permitted outside the premises and measures must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property to the satisfaction of the Planning Authority.
4. The hours of use for the external area shall be limited to 0900 - 2200 hours daily unless otherwise agreed in writing by the Council as Planning Authority.
5. All plant or equipment, including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
6. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be

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installed, operated, and maintained such that the cooking odours from the premises are not exhausted into, or escape into, any neighbouring residential properties, all to the satisfaction of the Planning Authority.

7. The primary entrance to, and exit from, the premises shall be via Allan Street and the rear exit labelled 'delivery entrance' shall only be used for delivery purposes or as an emergency fire exit.
8. The refuse and recycling facilities for these premises shall be operated and maintained such that detriment is not caused to the amenity of occupiers or neighbouring premises.
9. All external lighting 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 is minimised.
10. For the avoidance of doubt no signage or stall riser detailing has been approved as part of this application.
11. For the avoidance of doubt, any proposal to utilise the areas marked as "undeveloped" on Level 1 and 2 of the approved plan, shall be the subject of a further formal application for planning consent.

Justification

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

Informatives

1. 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.
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.

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3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.
5. The applicants are recommended to contact the Council's Conservation Section at the earliest opportunity regarding detailing of any proposed fascia signage and associated stall risers, which would require to be formally approved as a separate planning application.

COUNCILLORS B ELLIS AND C SHIERS LEFT THE MEETING AT THIS POINT.

COUNCILLOR T GRAY, HAVING DECLARED A FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AND TOOK NO PART IN THE DEBATE THEREAFTER.

(4) Application with Council Interest

(i) 11/01091/FLL – BRACO – Erection of a dwellinghouse at West Park, Braco – Mr Thomas Gray – Report 11/523

Mr P Lindsay, Scottish Agricultural College, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors J Kellas and W Lumsden) – Grant, subject to: (i) conditions to be formulated by the Development Quality Manager; and (ii) an appropriate Section 75 Agreement being entered into in respect of occupational need.

Amendment (Councillors I Campbell and L Caddell) – Refuse, for the reasons contained in Report 11/523.

Amendment – 6 votes

Motion – 6 votes

In accordance with Standing Order 45, the Chair exercised his casting vote in favour of the Motion.

Resolved:

In accordance with the Motion.

Justification

The proposal is not considered to be contrary to the Strathearn Area Local Plan 2001, Policy 54: Housing in the Countryside.

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