

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 14 May 2014 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, A Gaunt, J Giacomazzi, C Gillies (from Item 5(1)(ii) - 13/02314/CON – Art. onwards), J Kellas, A Livingstone, M Lyle, W Robertson (substituting for Councillor D Cuthbert) and G Walker.

In Attendance: Councillors A Cowan, G Laing and B Vaughan (up to and including Item 5(1)(ii) – Art. only), N Brian, A Condliffe, J Thomson, S Dunn, K Stirton, J Russell (up to and including Item 5(1)(ii) – 13/02314/CON – Art. only and S Callan (up to and including Item 5(1)(v) – Art. only), (all The Environment Service); L Potter, G Fogg and Y Oliver (all Chief Executive's Service).

Apology: Councillor D Cuthbert

Councillor T Gray, Convener, Presiding.

WELCOME AND APOLOGIES/SUBSTITUTES

The Convener welcomed everyone to the meeting and apologies were noted as above. It was noted that Councillor W Robertson was substituting for Councillor D Cuthbert.

DECLARATIONS OF INTEREST

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

MINUTES

(i) Minute of Meeting of 16 April 2014

The Minute of Meeting of the Development Management Committee of 16 April 2014 (Arts. 235-239) was submitted, approved as a correct record and authorised for signature.

(ii) Minute of 15 January 2014

Resolved:

The Minute of Meeting of the Development Management Committee of 15 January 2014 be amended to include the following paragraph at the end of Section 4, Deputations:

Due to an administrative error, a request for a deputation from Mr P Symon as an objector to the application and also on behalf of Errol Community Council as objectors to Application No. 13/01823/FLM, was not notified to the Committee for consideration.

DEPUTATIONS

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

Planning Application No.	Art. No
13/00653/FLM	(1)(i)
13/02314/CON	(1)(ii)
13/02328/FLM	(1)(iii)
13/02259/FLL	
14/00297/FLL	
14/00298/LBC	

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **13/00653/FLM – AMULREE – Erection of seven wind turbines with associated works on land 2000 metres north of Calliacher Wind Farm, Amulree – I & H Brown NC Limited – Report 14/196**

Mr C Wallace, Planning Consultant, accompanied by Mr B Sheridan, consultant, both on behalf of the applicant, followed by Ms A Johnston, on behalf of Dunkeld and Birnam Community Council, objectors to the application and Ms H McDade, on behalf of the John Muir Trust and Ms S MacKinnon, on behalf of Amulree & Strathbraan Windfarm Group (ASWAG), both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53 Councillor A Cowan addressed the Committee, and, following her representation, withdrew to the officers' benches.

Motion (Councillors J Kellas and M Lyle) – Defer, (i) or the provision of further information on the overall visual impact of the proposal, particularly in relation to Calliacher North and (ii) to enable an accompanied site visit to be carried out to investigate the cumulative visual impact.

Amendment (Councillors I Campbell and A Livingstone) – Refuse, for the following reasons:

- 1. The proposed development is contrary to Policies PM1A and PM1B – Placemaking – of the Perth and Kinross Council Local Development Plan 2014, in that it will have a detrimental effect on the character and amenity of the surrounding landscape.**
- 2. The proposed development is contrary to Policy NE3 – Biodiversity- of the Perth and Kinross Council**

- Local Development Plan 2014, in that it will have an adverse effect on protected species.**
- 3. The proposed development is contrary to Policies NE1B(a) and NE1B(b) – National Designations – of the Perth and Kinross Council Local Development Plan 2014 in that it will have an adverse effect on the integrity of the area and on the local economy.**
 - 4. The proposed development is contrary to Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes – of the Perth and Kinross Council Development Plan 2014, in that it will conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.**

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

7 members voted for the Amendment as follows:
Councillors B Band, M Barnacle, I Campbell, W Robertson, A Gaunt, A Livingstone and G Walker.

5 members voted for the Motion as follows:
Councillors T Gray, H Anderson, J Giacomazzi, J Kellas and M Lyle.

Amendment – 7 votes Motion – 5 votes

Resolved:
In accordance with the Amendment.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Prior to consideration of Planning Applications 13/02314/CON and 13/02328/FLM a Motion and Amendment for the order in which they were heard took place as follows:

Motion (Councillors J Giacomazzi and T Gray) – The order of business be varied and Planning Application 13/02328/FLM be heard prior to Planning Application 13/02314/CON.

Amendment (Councillors W Robertson and M Barnacle) – The order of business be carried out as detailed in the Agenda for the Development Management Committee meeting of 14 May 2014.

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

7 members voted for the Amendment as follows:
Councillors B Band, M Barnacle, I Campbell, W Robertson, A Gaunt, C Gillies and A Livingstone.

4 members voted for the Motion as follows:
Councillors T Gray, H Anderson, J Giacobazzi and G Walker.

Councillors J Kellas and M Lyle abstained from the vote.

Amendment – 7 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

The Committee unanimously agreed to (a) conjoin Planning Applications 13/02314/CON and 13/02328/FLM and (b) suspend Standing Order 59(f) pertaining to the allotted time given to deputation requests.

(ii) 13/02314/CON – KINROSS – Demolition of existing buildings at former Kinross High School, High Street, Kinross, KY13 8AW – Persimmon Homes East Scotland – Report 14/197

Mr I McGouldrick, accompanied by Mr D Garry and Mr D Jinks, all on behalf of the agent, followed by Ms E Thomas on behalf of Kinross Civic Trust and Mr M Smith and Mr J Weir, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the grounds that insufficient justification has been provided to warrant the demolition of the frontage of the building and as a consequence the proposal is contrary to Policy HE3B of the Perth and Kinross Local Development Plan 2014 in that the demolition of the frontage building would fail to either preserve or enhance the character of the Conservation Area.

(iii) 13/02328/FLM – KINROSS – Residential development consisting of 102 units, access road, open space and associated works at former Kinross High School, High Street, Kinross, KY13 8AW – Persimmon Homes East Scotland – Report 14/199

Mr I McGouldrick, accompanied by Mr D Garry and Mr D Jinks, all on behalf of the agent, followed by Ms E Thomas on behalf of Kinross Civic Trust and Mr M Smith and Mr J Weir, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy PM1A – Placemaking – of the Perth and Kinross Council Local Development Plan 2014 in that it will be detrimental to the character and amenity of the area.

2. The proposal is contrary to Policy RD1 – Residential Areas – of the Perth and Kinross Council Local Development Plan 2014 in that it is incompatible with the amenity and character of the immediate residential area.
3. The proposal is contrary to Policy HE3A – Conservation Areas – of the Perth and Kinross Council Local Development Plan 2014 in that (i) the proposal fails to preserve or enhance the character or appearance of the Conservation Area and (ii) its scale and siting will have an adverse impact on the special qualities of the area and are not appropriate to its character and setting.

FOLLOWING AN ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

(iv) 14/00239/FLM – KENMORE – Rehabilitation and reinstatement of land at former quarry and erection of 38 leisure lodges at Kenmore Quarry, Kenmore, Aberfeldy, PH15 2LS – Mr R Menzies – Report 14/199

Resolved:

Grant, subject to the following conditions:

1. 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.
2. Prior to the ownership of any lodge house, the applicant shall submit full details of the management/title deeds which links every lodge house to the wider Mains of Taymouth Estate. These details shall be submitted and agreed in writing with the Planning Authority prior to the ownership of any of the properties. Every property on the application site shall enter into this management agreement and be subject to these title deeds. This agreement between the Applicant (or successor) and each property owner shall be maintained in perpetuity.
3. 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, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
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. The lodge houses, hereby approved, shall be connected to the Kenmore Public Drainage system to the satisfaction of the Council as Planning Authority.

6. A detailed surface water runoff scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of the dwellings. The scheme shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C697) and should incorporate source control.
7. The finished floor levels of the lodge houses shall be at a minimum 600mm above the design flood level (0.5% AP (1:200) including allowance for climate change) and shall include a freeboard allowance to be agreed by the Planning Authority, in consultation with SEPA.
8. Finished ground levels should be designed to ensure they slope away from each lodge house so as to prevent surface water ponding around the buildings.
9. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measuresBefore any lodge is occupied or in use the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the schemes proposals have been fully implemented must also be submitted to the Planning Authority.
10. Details of the waste and recycling storage facilities to be located at the site entrance to be submitted to and approved in writing by the Planning Authority prior to occupation or use of the lodge houses. Such drawings shall show the siting, design and capacity thereof. Following approval the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the Planning Authority.
11. Prior to the commencement of development, an Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures to control dust arising from site infilling and construction work shall be submitted to and approved in writing by the Planning Authority, thereafter the

development shall be undertaken in strict accordance with the approved CEMP.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking and re-enacting that order the proposed lodge houses on the applicant's Drawing 805/P/60 shall not be extended or altered in any way nor any building or means of enclosure erected within the curtilage of the dwellinghouse without an express grant of planning permission from the Planning Authority.
13. Prior to the commencement of development details of the infilling and topsoil for the quarry has been submitted to and approved in writing by Planning Authority thereafter the development shall be carried out in accordance with the approved details.
14. Prior to the commencement of development a detailed phasing plan of the rehabilitation of the quarry, siting of the lodge houses, proposed landscaping and planting shall be submitted to the Planning Authority for written approval.
15. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved phasing plan for the development. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
16. The 'rural zone' indicated on the approved drawing no 805/P60 shall be planted in accordance with the approved landscape plan and completed in accordance with the approved phasing plan. The rural zone shall thereafter be maintained in perpetuity.
17. Detailed plans for night time lighting of the proposed development shall be submitted prior to the commencement of development for the approval of the Planning Authority. These plans should be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level.
18. Not more than a month prior to the proposed date of commencement of works an updated survey for Otters shall be submitted to the Planning Authority for consideration. Where surveys have identified the presence of otters, such as otter holts and couches the applicant must obtain a licence from Scottish Natural Heritage prior to work commencing.

Where surveys have identified the presence of otters, or otter holts and couches protective fencing, either Heras or Chespale fencing shall be erected not less than 50m from an identified otter holt or couch to ensure no disturbance shall take place within the otter protection zone. Signs will be erected to inform the workforce and public of the exclusion zone.

19. Not more than a month prior to the proposed date of commencement of works an updated survey for Red Squirrels within 50m of the site boundary shall be submitted to the Planning Authority for consideration and where surveys have identified the presence of Red Squirrels otters, such as dreys or feeding signs the applicant must obtain a licence from Scottish Natural Heritage prior to work commencing. The applicant must obtain a licence from Scottish Natural Heritage prior to work commencing.

Where it has been identified that Red Squirrels are present the works shall take place between September and February to avoid the breeding season and raising of young. No trees shall be felled within 50m of any dreys to avoid disturbance unless otherwise agreed in writing by the Planning Authority.

20. All excavations shall be covered at the end of each working day. Failing which, escape ramps of no more than 45° shall be provide from all open excavations to allow any mammals to exit excavations.
21. All exposed pipework shall have ends securely plugged at the end of each working day to prevent accidental ingress of animals.
22. Not more than a month prior to the commencement of development an updated breeding survey shall be submitted to the Planning Authority for approval. This will include an area 500m around the site for all Schedule 1 birds.
23. No site or vegetation clearance will take place during the bird breeding season, between 1st March and 30 August inclusive. If work is to take place during the bird breeding season then all site clearance must be completed before 1st March unless otherwise agreed in writing by the Planning Authority.
24. Prior to the commencement of development the locations of recorded sand martin colonies tarpaulins will be placed to prevent access to the nest sites. Alternative permanent nest sites will be constructed no later than 1st March unless otherwise agreed in writing by the Planning Authority and to a design agreed with the Council as Planning Authority.
25. Prior to the commencement of development a series of refugia shall be created with sheets of corrugated metal

across the site. These shall be checked in areas where work is being undertaken at the start of each working day and any amphibians or reptiles found removed and placed under refugia where no work is being undertaken.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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.
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 Environmental Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 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.

7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
8. 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.
9. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin and recycling storage requirements for the development.
11. The applicant is advised the works are likely to need a licence under the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994. The applicant should contact SNH at Battleby Perth (Tel. 01738 444177) in regards to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SNH's Guidance, found at www.snh.org.uk

- (v) **14/00403/FLM – KINROSS – Modification to permission (11/00197/FLM) demolition of existing motorway services and petrol filling station and erection of new motorway services building and petrol station, 8 retail units, landscaping and junction improvements at MOTO Services, Kinross, KY13 0NQ – Moto Hospitality Ltd – Report 14/200**

Resolved:

Grant, subject to the following conditions:

1. Finished floor levels of the new amenity building shall be set no lower than those of the existing buildings on the site (121.6 mAOD to 122.3 mAOD) unless otherwise

agreed in writing by the Council as local Planning Authority.

2. The delivery of goods to the 8 new retail units hereby approved shall take place between 7am to 9pm Mondays to Saturdays and at no other time.
3. Prior to the occupation of any of the 8 Lettable Retail Units having a Gross Internal Area of 288 square metres, or less, an Occupancy Notice and a Schedule of Occupancy shall be submitted to and approved in writing by the Council. The permitted uses shall strictly accord with those details approved. For the purposes of this condition the following definitions should be noted:

Definitions

"Permitted Uses" means the retail sale of goods and any further use or uses which might subsequently be approved by the Council as Planning Authority.

"Schedule of Occupancy" means a schedule detailing the location of each lettable Unit within the Agreement Subjects; the location and the amount of Gross Retail Floor Space allocated to lettable Units for the sale of Adult Clothing and Footwear and Tourism-related Goods; and the location and Gross Internal Area of each lettable Unit.

"Occupancy Notice" means a notice identifying the lettable Unit with a Gross Internal Area of less than, or equal to, 288 square metres.

"Lettable Unit" means any unit of accommodation (other than car parking areas or any sub-station) which is, or is reasonably intended to be, or is designed from time to time to be, the Subject matter of a lease and shall, for the avoidance of doubt, exclude any common parts of the Agreement Subjects.

"Gross Internal Area" means the Gross Internal Area ascertained in accordance with the Code of Measuring Practice of the Royal Institution of Chartered Surveyors and the Incorporated Society of Valuers and Auctioneers, Fifth Edition dated 2001 as amended from time to time and current at the date of measurement.

"Gross Retail Floor Space" means the total floor area within buildings which is occupied exclusively by a retailer or retailers.

4. Notwithstanding the terms of the Town & Country Planning (Use Classes)(Scotland) Order 1997 (or any order revoking and re-enacting the Order with or without modification) retailing from the 8 new units hereby approved shall be limited to the retail sale and display of comparison goods only and comprise tourism-related goods, products, and services in the following

main range: outdoor clothing and footwear; jewellery, silverware, watches and clocks, books, stationary, cd's and ancillary goods, sports and outdoor goods. Any food and convenience goods shall be limited to an ancillary element only of the tourism-related retail sales operation.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. The conditions contained in planning permission notice ref. 11/00197 /FLM dated 4 July 2011 in respect of the planning consent for the demolition of existing motorway services and petrol filling station and erection of new motorway services building and petrol station, retail units, landscaping and junction improvements at MOTO Services, Kinross, remain in place, except only insofar as expressly modified by Condition No. 1; 9; 17; 20 and 21 attached to this planning permission notice.
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. As soon as practicable after the development is, 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.
5. 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.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
 7. The applicant is advised to contact Scottish Water prior to the commencement of site works to determine whether Scottish Water assets may be affected by development and the need for any separate consent from that Authority.

(2) Local Applications

(i) **13/02259/FLL INVERGOWRIE – Erection of 2 dwellinghouses at land 50 metres northwest of 9 Burnside Road, Invergowrie – West Developments Ltd – Report 14/201**

Mrs A Condliffe, Applications Team Leader, advised the Committee that, should they be minded to approve the application, Condition 7, pertaining to visibility splays, was no longer required and requested that it be deleted.

Mr E Stewart, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and the original Condition 7 being deleted:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Unless otherwise agreed in writing by the Council as Planning Authority, development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority.

Verification that the schemes proposals have been fully

- implemented must also be submitted to the Council as Planning Authority.
3. Prior to the commencement of any works on site, precise details of the proposed immediate domestic curtilage of Plot 2 shall be submitted to the Council as Planning Authority. The remainder of the site shall form a 'paddock' area, to the satisfaction of the Council as Planning Authority.
 4. Prior to the commencement of any works on site, an amended internal arrangement for bedroom 5 and its associated en-suite shall be submitted for the approval in writing by the Council as Planning Authority. The amended arrangement shall adequately address the potential for overlooking to the residential property to the east and include an amended elevation and floorplan. 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, precise details of bin stances and recycling storage 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.
 6. Prior to the occupation of either dwelling, the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
 7. Prior to the commencement of any works on site, a detailed landscaping and boundary treatment plan 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.
 8. No physical development or earth movements shall take place within the paddock area to the west of Plot 2, unless otherwise agreed in writing by the Council as Planning Authority.
 9. Prior to the commencement of any works on site, precise details of the proposed external finishes 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 proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See *section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant is advised to take full account (and action as necessary) of The Wildlife and Countryside Act 1981, Conservation (Natural Habitats, &c.) Regulations 1994, and Nature Conservation (Scotland) Act 2004 in relation to protected species and their associated habitats, which may be present within the site. As a result, if there is any subsequent knowledge of protected species at the site (in particular bats and red squirrels), it is recommended to consult Scottish Natural Heritage in the first instance. The applicant is further advised that there may be a requirement to employ a suitably qualified consultant to undertake a survey to both ascertain if a license is required and ensure protected species are suitably protected.

The Committee unanimously decided to conjoin Planning Applications 14/00297/FLL and 14/00298/LBC

(ii) 14/00297/FLL – PERTH – Alterations, extension and change of use from former public building (Class 10) to form hotel (Class 7) with related facilities and other ancillary accommodation, Perth City Hall, King Edward Street, Perth, PH1 5UG – The Seventy Group – Report 14/202

Mr S Wilson, on behalf of the applicants, accompanied by Mr M Smith, agent on behalf of the applicants, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the installation of any of the replacement windows full design details including large scale elevations and section drawings of the proposed replacement windows on the north and south elevations shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
3. Prior to the installation of the glazed platform lifts on the west elevation full design details including large scale elevations and section drawings of the glazed platform lifts shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
4. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
5. No new grilles, security alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
6. Roads and associated works (including any variations to Traffic Regulation Orders) shall be undertaken in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation and use of the approved development.
7. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management,

monitoring, review, reporting and the duration of the plan. The plans, as approved, shall be adhered to as part of the operation of the hotel.

8. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
9. All plant or equipment including any ventilation system associated with the premises shall be so enclosed, attenuated and / or maintained such that any noise there from shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 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 noise rating curve chart.
10. Prior to the installation of any plant or machinery, full details including elevations and section drawings of all plant and machinery shall be submitted for the written approval of the Planning Authority. These details shall ensure minimal impact on the character of the Conservation Area and shall meet the requirements of condition 8 and 9 of this consent. The details, as approved, shall be implemented as part of the site development.
11. No music amplified or otherwise shall be permitted outside the premises, unless otherwise agreed in writing with the Planning Authority and efforts must be made to minimise the impact of such noise from inside the premises.
12. The delivery of goods to the premises shall take place between 07.00hrs to 17.00hrs Mondays to Saturdays and no deliveries on a Sunday unless otherwise agreed in writing with the Planning Authority.
13. Prior to the development being brought into use a strategy to deal with the commercial waste from the premises shall be submitted to the Planning Authority for approval in writing. This shall detail how and where waste will be stored as well as the envisaged collection from the site. Once approved the strategy shall be implemented in accordance with the approved details all to the satisfaction of the Local Planning Authority.

Justification

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

Informatives

1. 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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This is approval of application Ref no (14/00297/FLL) for planning permission only. It does not include any approval for the related Listed Building Consent Ref no (14/00298/LBC). Therefore work should not commence until Listed Building Consen has been received. Carrying out alterations without Listed Building Consent is an offence.
6. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(iii) 14/00298/LBC – PERTH – Alterations and extension of former public building (Class 10) to form hotel (Class 7) with related facilities and other ancillary accommodation, Perth City Hall, King Edward Street, Perth, PH1 5UG- The Seventy Group – Report 14/203

Mr S Wilson, on behalf of the applicants, accompanied by Mr M Smith, agent on behalf of the applicants, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the installation of any of the replacement windows full design details including large scale elevations and section drawings of the proposed replacement windows on the north and south elevations shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
3. Prior to the installation of the glazed platform lifts on the west elevation full design details including large scale elevations and section drawings of the glazed platform lifts shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
4. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
5. No new grilles, security alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
6. Prior to the commencement of any development full design details including large-scale elevation and section drawings shall be submitted for all new partitions at second floor level indicating how they will be attached to the existing decorative plasterwork ceiling of the former main hall. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Council as Planning Authority.
7. Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as local Planning Authority notified immediately. Provision shall be made for the retention and/or proper recording, as required by the Council.
8. Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or theft during the building work. Prior to the commencement of development, details shall be submitted to and approved by the Council as local Planning Authority outlining a statement of how this will be achieved, and the relevant work carried out in accordance with such approval. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council.

Justification

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

Informatives

1. This listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.
2. This application is covered by Historic Scotland's scheme for non-notifiable listed building consent applications and is therefore not required to be ratified by Historic Scotland. The application will require to be sent to Historic Scotland within 5 days of Listed Building Consent being issued for monitoring purposes.

DRAFT