

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 15 October 2014 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle (up to and including 694(2)(iii)) and G Walker.

In Attendance: N Brian, A Condliffe, S Callan, J Thomson, K Steven, K Sarnikova, A Rennie and M Barr (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Councillor T Gray, Convener, Presiding.

### **690. WELCOME AND APOLOGIES**

The Convener welcomed everyone to the meeting.

### **691. DECLARATIONS OF INTEREST**

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

### **692. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 10 September 2014 (Arts.601-605) was submitted, approved as a correct record and authorised for signature.

### **693. 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
14/00874/AMM	694(1)(i)
14/00767/FLL	694(2)(i)
14/01113/FLL	694(2)(ii)
14/01311/FLL	694(2)(iii)

**694. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 14/00874/AMM – SCONE- Approval of Matters specified in planning permission 09/01311/IPM for the erection of foodstore with associated landscaping, ancillary works, car parking and relocation of existing Park and Ride facility at Land 50 Metres NE of Scone Park & Ride Car Park, David Douglas Avenue, Scone – Report 14/440 - A & J Stephen Ltd**

Mr P Carus, agent on behalf of the applicants, answered Members' questions.

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the commencement of development details of the exact colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.
4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
5. Prior to the commencement of development all matters regarding the disposal of surface water by means of a suitable Sustainable Urban Drainage System to meet the requirements of best management practices, shall be in accordance with the standards required by the Council as Planning Authority.
6. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
7. Prior to the commencement of development a Lighting Plan shall be submitted to the Planning Authority that shows all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

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8. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart.
9. The delivery of goods to the premises shall take place in the designated delivery yard and shall take place between 7am to 9pm Mondays to Saturdays and at no other time unless otherwise agreed in writing with the Planning Authority. The idling of delivery vehicle engines is prohibited.
10. An effective ventilation system commensurate with the nature and scale of any 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 nearby residential property.
11. Prior to the occupation of the foodstore details of the proposed recycling facility shown on the Site Plan will be submitted to and agreed in writing 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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the

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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 guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
  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. 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.
  7. No work shall be commenced until an application for building warrant has been submitted and approved.

**(2) Local Applications**

**(i) 14/00767/FLL – KETTINS- Erection of community hall on land SE of Ivy Cottage, Kettins – Report 14/441 – Kettins Parish Hall Committee**

Mr R Miller, on behalf of Kettins Parish Hall Committee and Mr A Reid, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

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2. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise or vibration therefrom shall not be transmitted into any nearby noise-sensitive property.
3. Any external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
4. 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.
5. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive property, with all windows slightly open, when measured and /or calculated and plotted on a Noise Rating curve.
6. The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any noise-sensitive property.
7. Prior to the commencement of development the tree protection measures detailed in the Arboricultural Impact Assessment by Arboretum International dated 25th August 2014 shall be implemented and maintained thereafter for the entire duration of the construction phase. Immediately following the implementation of the tree protection measures the developer shall notify the Planning Authority for inspection purposes.
8. Prior to the commencement of any ground works in relation to construction of the proposed bay numbers 7, 8, 9, 10 & 11, the detailed method of construction of these bays shall be submitted in writing and agreed with the Planning Authority.
9. Prior to the commencement of development samples of external finishing materials shall be submitted for the approval of the Planning Authority.
10. Prior to the commencement of development suitable provision for cycle storage with capacity for at least 10 cycles shall be agreed in writing by the Planning Authority. The approved cycle storage shall thereafter be installed to the satisfaction of the Planning Authority prior to the use of the hall.

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**Justification**

The proposals are recommended for approval despite being contrary to the relevant provisions of the Development Plan as it is considered that there are material considerations 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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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).

**(ii) 14/01113/FLL – PERTH - Alterations and extension to nursery at 46 Balhousie Street, Perth – Report 14/442 – Apple Tree Nursery**

Ms L Geekie, applicant and Mrs E Wilcox, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors C Gillies and A Livingstone) – Refuse, on the grounds that the proposal is contrary to Policies PM1A and RD1(c) in that it will be detrimental to the residential amenity of the place and to the character and environment of the area.

**Amendment (Councillors J Kellas and M Lyle) – Defer, for the provision of further information from the applicant regarding the projected increase in noise attributable to the alteration, extension and intensification of use and the potential for and the intended proposed mitigation measures.**



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or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in the agreed reclamation scheme.

5. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use (including walling details of no less than 1.8m high to link building's 11 and 12) and such boundary detailing as may be approved shall be completed prior to the occupation of the development.

**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. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply, septic drainage infrastructure or any associated communal utilities in the development area are honoured throughout and after completion of the development.
6. If connection to the public mains proves impractical, the following should be noted if a private water supply is utilised:  
The applicant shall ensure the private water supply for the houses complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland)

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Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

7. The applicant is advised that as bins will be uplifted from the public road end, provision should be made for a bin storage facility, incorporating hardstanding to accommodate wheeled bins of a number appropriate to the size of the dwelling.

**(3) Proposal of Application Notice (PAN)**

- (i) 14/00006/PAN – BRACO - Erection of a 9 turbine windfarm at Greenscares Plantation (Strathallan Windfarm) by Braco – Report 14/444**

**Resolved:**

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issues be addressed in the planning application:

- Archaeological/Conservation consultation
- Spatial strategy progress and timescales
- Perceived policy gap in landscape designations for Perth and Kinross Council
- Camouflaging apparatus

- (i) 14/00007/PAN – PERTH - Erection of a 20MW renewable energy (biomass) facility, land SW of Birch House, Ruthvenfield Avenue, Inveralmond Industrial Estate, Perth – Report 14/445**

**Resolved:**

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issues be addressed in the planning application:

- Transportation implications, e.g. delivery of raw materials
- Explosion risk
- Heat and light supply, who, how much
- Impact on non-industrial areas, i.e. dust
- Will pre-treated timber be used, virgin timber?
- Use of liquidised fuel?
- Replanting of forestry felled for raw materials

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