

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 12 August 2015 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener) (with the exception of Arts. 497(2)(iv) and 497(2)(v)), H Anderson (with the exception of Arts. 497(2)(iv) and 497(2)(v)), M Barnacle, I Campbell, A Gaunt (with the exception of Arts. 497(2)(iv) and 497(2)(v)), J Giacomazzi (with the exception of Art. 497(2)(vii)), C Gillies, A Jack (substituting for Councillor D Cuthbert), M Lyle and G Walker.

In attendance: N Brian, A Condliffe, J Thomson, M Petrie, S Callan and M Barr (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies: Councillors D Cuthbert, J Kellas and A Livingstone,

Councillor T Gray, Convener, Presiding.

### **493. WELCOME AND APOLOGIES**

The Convener welcomed everyone to the meeting and apologies were noted as above.

### **494. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, non-financial interests were declared as follows:

Councillor H Anderson:	Arts. 497(2)(iv) and 497(2)(v))
Councillor B Band:	Arts. 497(2)(iv) and 497(2)(v))
Councillor A Gaunt:	Arts. 497(2)(iv) and 497(2)(v))
Councillor J Giacomazzi:	Art. 497(2)(vii)

### **495. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 15 July 2015 (Arts 483-488) was submitted, approved as a correct record and authorised for signature.

### **496. DEPUTATIONS**

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

<b>Planning Application No.</b>	<b>Art. No.</b>
15/00669/IPL	497(2)(ii)
15/01017/FLL	497(2)(vi)
15/01033/FLL	497(2)(vii)

**497. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 15/00810/AMM – PERTH - Modification of permission 14/00269/AMM for change of house types (plots 1, 5, 20, 34, 38, 39, 43, 50, 77-82) and land engineering (in part retrospect), Cherrybank, Necessity Brae, Perth – Report 15/314 – Persimmon Homes (East Scotland)**

N Brian, Development Quality Manager, advised the Committee that the drainage issue, mentioned in Paragraph 43 of Report 15/413 had been addressed to the satisfaction of the Council as Planning Authority.

He requested that, should the Committee be minded to approve the application, they also approve amendment of Condition 3 relating to landscaping and an additional informative, relating to conditions previously applied to Planning Application 14/00269/AMM.

**Resolved:**

**Grant**, subject to the following conditions and informatives, together with an amended Condition 3 and the addition of Informative 5, all as undernoted:

- 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 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all semi-detached and terraced dwellings (including house type Portree, Newmore and Newton) of the approved Site Layout Plan.
- 3 The landscaping plan to be approved by this Council as Planning Authority shall be carried out in accordance with the approved scheme within one calendar year of the date of this consent and thereafter maintained. For the avoidance of doubt the landscaping plan shall include details of planting within the crib wall and details of the future maintenance of the crib wall.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- 4 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.
- 5 Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

**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 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice will be included for guidance. According to Regulation 41 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 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 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 5 It should be noted that planning permission 14/00269/AMM and, in particular, the conditions to that permission continue to apply to the development.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

**(2) Local Applications**

- (i) 14/01365/FLL – STANLEY - Erection of 35 dwellinghouses, access and associated works on land west of Shielhill Farm, Stanley – Report 15/315 – Muir Homes Ltd and Zurich Assurance Ltd**

A Condliffe, Applications Team Leader, advised the Committee that:

- (i) With regard to Page 23 of Report 15/315, the reference to “Policy PM1A – Developer Contributions” should refer to “Policy PM3 – Developer Contributions”;
- (ii) With regard to Page 29 of Report 15/315, the Developer Contribution in Paragraph 53 amounts to £2,200, which will be split between the play areas in Shielhill Place and Stanley Park.

**Resolved:**

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

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 permission.
2. Prior to the commencement of any works on-site an updated landscaping plan (including boundary treatments) shall be submitted, which shows the amended layout of the dwelling and access roads, 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 as the development progresses.
3. Prior to the commencement of any works on-site, the footpath link to the existing footway at Athole Drive shall be implemented in full, to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on-site, precise details of the proposed maintenance arrangements for the areas of open space shall be submitted for the approval in writing by the Council as Planning Authority and thereafter adhered to in full.
5. The discharge of surface water must be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual C697 and C698 Site Handbook for the Construction of SUDS, both published by CIRIA, to the satisfaction of the Council as Flooding Authority.
6. Prior to the commencement of any works on-site a Construction and Environmental Management Plan shall

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

be submitted for the approval in writing by the Council as Planning Authority. The approved plan shall be implemented in full for the entire duration of the construction phases, all to the satisfaction of the Council as Planning Authority.

- 7 Prior to the commencement of any works on-site, updated engineering drawings demonstrating site levels and which shows the amended layout of the dwellings and access roads shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full as the development progresses all 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.

### **Procedural Note**

The formal planning consent shall not be issued until such time as:

- a) the required Parks Contribution of £2,200 has been secured by payment up front or via the completion of a legal agreement; and
- b) the provision of affordable housing has been agreed and its provision (whether on-site, off-site or a commuted payment) secured.

Both matters must be resolved/completed within a 4 month timescale; otherwise the planning application may be refused under delegated powers.

### **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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- 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 will be required.
- 5 The applicant should be 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

**(ii) 15/00669/IPL – KINROSS - Erection of holiday lodges on land 250 metres South of Gellybank Farm, Kinross – Report 15/316 – Mr & Mrs T & E Stewart**

N Brian, Development Quality Manager, advised the Committee that Cleish and Blairadam Community Council had objected on the grounds that the proposal was contrary to Policy ER5 of the Perth and Kinross Local Development Plan in that it would result in the loss of prime agricultural land. He said this was a rural based development and felt that the proposal was appropriate for this location.

Mr R Hutton, Planning Consultant, on behalf of the applicant and Mr J Stevenson, on behalf of objectors, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and informatives, together with an additional Condition 7 and an additional Informative 4, as undernoted:

- 1 The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
  - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
  - b) The siting, design and external appearance of the development;
  - c) Details of means of access to the site and the provision of car parking spaces and turning facilities;

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- d) Details of all landscaping, planting, screening and boundary treatment;
  - e) Details of the means of discharging surface water during the construction phase and upon completion of the development;
  - f) The means of surface water and waste water drainage;
  - g) Details of any external lighting including street lighting;
  - h) The provision of communal waste and recycling facilities.
- 2 The submission of detailed landscaping proposals referred to in Condition 1 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme, as subsequently approved, shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
- 3 The lodges/chalets shall be used solely for holiday accommodation only, and shall not be occupied as the main or sole residence by any occupant, all to the satisfaction of the Council as Planning Authority.
- 4 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-
- a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure has been installed at the following remote properties:
    - Seggie Bank Villa, Milnathort, KY13 0RP
    - Shanthi, Wester Balgedie, Kinross, KY12 9HE
    - The Bungalow, Brunthill Farm, Kinross, KY13 0LB

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

For the avoidance of any doubt the installed drainage infrastructure at the remote property/properties as approved shall be retained all to the reasonable satisfaction of the Planning Authority.

- b) Following the installation of the foul drainage infrastructure at the remote property/properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed to the reasonable satisfaction of the Planning Authority. For the avoidance of any doubt the installed drainage infrastructure at the development site as approved shall be retained all to the reasonable satisfaction of the Planning Authority.
- 5 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.
  - 6 The submission of detailed surface water drainage information referred to in Condition 1 shall be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.
  - 7 The access road from the public road to the application site shall be upgraded in accordance with details to be agreed in writing by, and to the satisfaction of, this Council as Planning Authority prior to the commencement of any other 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 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 4 The developer is advised to display signage at the eastern corner of the site adjacent to the private access road advising construction traffic not to use the road beyond that point and to warn of the possible presence of children in the road.

**(iii) 15/00876/FLL – BANDIRRRAN - Erection of wind monitoring mast (in retrospect) at Southtown Farm, Bandirran, Perth – Report 15/317 – Banks Renewables**

A Condliffe, Applications Team Leader, advised the Committee that, in Paragraph 2 of Report 15/317, the number of wind turbines referred to should be “6” (as opposed to 4).

Motion (Councillors T Gray and A Jack) – Grant, subject to the conditions and informatives contained in Report 15/317.

**Amendment (Councillors M Lyle and A Gaunt) – Refuse, on the grounds that the application is contrary to:**

- (i) Policy PM1A of the Perth and Kinross Local Development Plan in that it does not contribute positively to the quality of the surrounding built and natural environment due to its unacceptable visual impact; and**
- (ii) Policy PM1B(b) in that it does not respect the wider landscape character of the area.**

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

7 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, I Campbell, A Gaunt, C Gillies, M Lyle and G Walker.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

4 members voted for the Motion as follows:

Councillors T Gray, B Band, A Jack and J Giacobazzi.

Amendment – 7 votes

Motion – 4 votes

**Resolved:**

In accordance with the Amendment.

Councillors H Anderson, B Band and A Gaunt left the meeting at this point and took no part in the deliberations and decision of the following two items.

**(iv) 15/00994/FLL – PERTH - Alterations and extension to Perth Theatre at 185 High Street, Perth – Report 15/318 – Horsecross Arts**

N Brian, Development Quality Manager, requested the Committee that, should they be minded to approve the application, they also approve an amended Condition 2, deleting reference to Perth & Kinross Heritage Trust.

**Resolved:**

**Grant**, subject to the following conditions and informatives, together with an amended Condition 2, as undernoted:

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. No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and approved in writing by the Council as local Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the local Planning Authority.
3. No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

4. No development shall take place until full details of both hard and soft landscaping works for the public realm between Mill Street and the new theatre entrance have been submitted to and approved in writing by the local Planning Authority and these works shall be carried out as approved prior to the occupation of the building/site being brought into use or earlier. These details shall include pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, signs, lighting etc.). Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and intended implementation programme.
5. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any nearby noise-sensitive property all to the reasonable satisfaction of the local Planning Authority.
6. The sound proofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby noise-sensitive property all to the reasonable satisfaction of the local Planning Authority.
7. All plant or equipment (including any ventilation system) shall be acoustically enclosed to attenuate sound, such that it does not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours and Noise Rating 25 between 2300 and 0700 hours. The rating shall be calculated within any neighbouring dwelling with windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, if considered necessary by the Council as Planning Authority in the event of a noise nuisance complaint being authenticated.
8. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours from the development are not exhausted into or escape to any neighbouring property all to the reasonable satisfaction of the local Planning Authority.
9. Deliveries and collections of all goods and materials associated with this development shall be restricted to 0700 hours - 2100 hours Mondays–Saturdays and at no other time all to the reasonable satisfaction of the local Planning Authority.
10. All external lighting installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that all light spillage

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

beyond the boundaries of the site is minimised all to the reasonable satisfaction of the local Planning Authority.

**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 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 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice will be included for guidance. According to Regulation 41 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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- 6 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 No work shall be commenced until an application for Listed Building Consent has been approved.
- 8 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required - Tel 01738 477080.

**(v) 15/00995/LBC – PERTH - Alterations and extension to Perth Theatre at 185 High Street, Perth – Report 15/319 – Horsecross Arts**

**Resolved:**

**Grant**, subject to the following conditions and informatives and subject also to the prior formal ratification by Historic Scotland:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the Listed Building consent.
- 2 That no demolition or downtakings associated with this consent shall be undertaken until the Royal Commission on the Ancient and Historical Monuments of Scotland have either recorded the building(s) or have indicated in writing that they do not wish to record the building(s).
- 3 No development shall commence until a photographic survey cross referenced to survey plans and elevations has been submitted to and approved in writing by the local Planning Authority in consultation with the Conservation Team.
- 4 No developments shall commence until detailed drawings of the junctions between the retained historic fabric and new work have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.
- 5 No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the local Planning Authority along with a methodology/ specification for the repairs to the historic external brickwork. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.
- 6 No development shall commence until precise details for the decoration and re-furnishing of the auditorium have been submitted to and approved in writing by the local Planning Authority. This will require to be supported by historic analysis to support the decoration and furnishing/refurnishing scheme. Thereafter the scheme as

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.

**Justification**

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

**Procedural Note**

As the application involves substantial work to Category B Listed Buildings the consent shall not be issued until formal ratification from Historic Scotland has been received.

**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 No work shall be commenced until an application for building warrant has been submitted and approved.

Councillors Anderson, Band and Gaunt returned to the meeting at this point.

**(vi) 15/01017/FLL – BLAIRGOWRIE - Change of use from retail (Class 1) to function venue (Class 11) at The Lairds House, Lower Mill Street, Blairgowrie – Report 15/320 – Roy Sim Properties**

Mr G Sim, applicant, addressed the Committee, and, following his representation, 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 drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
- 2 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 25 between 2300 and 0700 hours daily, within any

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
- 3 The delivery of goods to the premises shall take place between 7am to 7pm Mondays to Saturdays only and at no other time.
  - 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 The venue shall not operate until a suitable noise management plan to minimise disturbance at nearby receptors has been submitted to, evaluated and agreed in writing with the Council as Planning Authority.

**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 No work shall be commenced until an application for building warrant has been submitted and approved.

Councillor Giacobazzi, having declared a non-financial interest in the following application, withdrew from the Committee at this point.

**(vii) 15/01033/FLL – CLEISH - Demolition of steading and erection of 8 dwellinghouses (in part retrospect) at Boreland Farm, Cleish – Report 15/321 – Cocklaw Developments**

N Brian, Development Quality Manager, requested the Committee that, should they be minded to approve the

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

application, Condition 6 be amended and additional, revised wording be added to the Procedure Note.

J Fitzpatrick, on behalf of the applicant, and Councillor J Giacobazzi, speaking as one of the elected members for Ward 8 – Kinross-shire, addressed the Committee, and, following their representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and informatives, together with Condition 6 being amended, an additional Condition 17 being added with regard to the provision of coursing and additional wording being added to the Procedure Note, all as undernoted:

- 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 The rebuild of the roadside steading building (Plots 6, 7, 8) shall be completed prior to the commencement of any works of development of Plots 1 and 5 as shown on the Site Layout Plan - Drawing Ref: 15/01033/2 and all to the prior approval in writing of the Planning Authority.
- 3 Prior to the commencement of further works on site full engineering drawings of the roadside steading building (Plots 6, 7, 8) shall be submitted to and approved in writing by the Council as Planning Authority.
- 4 The development proposed for Plots 6, 7 and 8 shall be inspected by the Planning Authority at the following junctures:
  - Damp-proof course
  - Wall head level
  - Truss erectionDevelopment shall not progress beyond these junctures without the prior written approval of the Planning Authority.
- 5 Prior to the commencement of development relative to plots 6, 7 and 8 a sample of the mortar and stone from the demolished roadside steading building are to be sent to the Scottish Lime Centre Trust, or other such qualified body as previously approved, for analysis. The written report of the analysis shall be submitted to the Planning Authority as a matter of record. The recommendations and specifications of the Scottish Lime Centre Trust, or other such qualified body as previously approved, shall be implemented in full in accordance with the written record previously submitted and all to the satisfaction of the Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- 6 Prior to the commencement of further development a sample panel of the roadside steading wall measuring a minimum of 3m<sup>2</sup> shall be erected for inspection and approval by the Planning Authority. For the avoidance of doubt the sample wall requires to include an example of the stone quoins, window lintels, jamb stone and cill to be used throughout the development.
- 7 Prior to the commencement of further development details of the specification and quality of the proposed reuse of original stone, clay pantiles and all exterior materials shall be inspected on site for the approval of the Planning Authority. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt the original stone is to be reused as much as is practically possible and any additional stone requirement must be with the prior agreement in writing by the Planning Authority.
- 8 All external doors and windows of Plots 6, 7 and 8 shall be first constructed and thereafter maintained in timber, with a painted finish of a colour agreed in writing by the Council as Planning Authority.
- 9 Prior to commencement of any further works on site, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways/private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
- 10 The vehicular access to the steading unit shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any further dwelling units.
- 11 The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged onto the public road.
- 12 Prior to any further dwelling hereby approved being occupied the mitigation measures identified on page 14 of the submitted bat report of the 09/00500/FLL approval shall be carried out in full in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction.
- 13 Prior to the occupation of any further dwelling a barn owl nest box and ledge shall be incorporated into the development in accordance with details which must be submitted to and approved in writing by the Council as Planning Authority.
- 14 Prior to the occupation of any further dwellings details of a road end bin store incorporating fencing and hard standing for the appropriate capacity of this development in either individual 240 litre bins or communal bins shall be submitted to and approved in writing by the Council as Planning Authority. The bin store should be no more than 10 metres from the road side.
- 15 Prior to the commencement of further works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify:
- 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.

- Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
- 16 Prior to the commencement of further works on site, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the local Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within 6 months of the occupation of any further house. Any tree, plant or shrub which, within a period of 5 years from planting dies or becomes damaged or diseased

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

17. Prior to the commencement of further works on site, a detailed coursing plan for the proposed rebuilt roadside steading building showing all external walls shall be submitted for the prior approval of this Council as Planning Authority. For the avoidance of doubt the coursing shall reflect as closely as possible that of the previous roadside steading building.

### **Justification**

The proposal is considered to be in accordance with the Development Plan and there are no over-riding material reasons which justify departing from the Plan.

### **Procedural Note**

Section 75 Legal Agreement associated with the 09/00500/FLL approval requires amending to deal with the extra monies required for primary school education provision.

This must be resolved/completed within a 4 month timescale; otherwise the planning application may be refused under delegated powers

### **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 An application for Building Warrant will be required.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
12 AUGUST 2015

- 5 If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.
- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 7 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) 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.
- 8 The applicant should be 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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