

PLANNING AND PLACEMAKING COMMITTEE

Minute of meeting of the Planning and Placemaking Committee held in person and virtually on Wednesday 1 June 2022 at 10.00am.

Present: Councillors I Massie, G Stewart, H Anderson, A Bailie (substituting for Councillor B Leishman), S Donaldson (substituting for Councillor R Watters), B Brawn, R Brock (substituting for Councillor D Cuthbert), E Drysdale, D Illingworth, I James, C McLaren and M Williamson.

In Attendance: D Littlejohn, K Smith, S Panton, P Williamson, L MacLean and L Reid (all Communities); C Elliott, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors D Cuthbert, B Leishman, C Reid and R Watters.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Development Management Committee of 13 April 2022 be deferred to a future meeting to be made available.

4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Item No.
22/00195/FLM	5(1)(i)
22/00301/FLM	5(1)(ii)
21/00248/FLL	5(2)(i)
22/00529/FLL	5(2)(iv)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **22/00195/FLM - Formation of a battery storage system with associated work and infrastructure of up to 49.9MW, land 130 metres south east of Coupar Angus Substation,**

Pleasance Road, Coupar Angus - Report No. 22/111 – Coupar Limited

Mr K Smith, Development Management & Building Standards Manager introduced the report and provided an update, also circulated to members prior to the meeting recommending an amended condition 8 and an additional condition 16.

Mr S Galloway, objector to the application, followed by Mr T Wheeler and Mr C von Schmieder, agent and applicant, addressed the Committee via audio conference and answered members questions.

Resolved:

Grant, subject to the following amended conditions, terms and informatives:

Conditions

General

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

Noise

2. All hereby approved plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

3. Noise from the hereby approved development shall not exceed 33dB LA_{eq,(15 min)}, including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, when measured at any residential property in accordance with BS4142 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

4. Noise mitigation measures outlined in Section 7.1 and Appendix 3 of the hereby approved Noise Impact Assessment undertaken by ARCUS - dated February 2022 (Plan reference 22/00195/16), shall be implemented prior to the hereby approved development being brought into use.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

5. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 2 and 3. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 2 and 3 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Lighting

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Roads and Transport

7. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from

- construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety.

8. Prior to the development hereby approved being brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, and of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

External Finishing Colour

9. Prior to the commencement of the development hereby approved, details of the recessive, natural colour of the proposed external finishing materials to be used for the hereby approved fence and other structures (i.e. auxiliary generator, battery pack kiosks, battery storage substation, client substation inverter and LV Room, etc.) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Biodiversity

10. The conclusions and recommended action points within the supporting Preliminary Ecological Appraisal Report, prepared by Arcus Consultancy Services – dated January 2022 (plan 22/00195/25) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
Reason - In the interests of protecting environmental quality and of biodiversity.
11. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site. Any such written confirmation should be submitted in advance to the local planning authority.
Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
12. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. These measures may include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations; or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being closed off at the end of each working day
Reason - In order to prevent animals from being trapped within any open excavations.
13. The detailed landscaping and planting scheme (plan 22/00195/30) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

Flooding / Drainage

14. For the avoidance of doubt, parts of the site are located within the 1/200 (0.5% AEP) flood extent, with a medium to high risk of flooding. Such areas must not be raised

above existing ground levels. This applies to the entirety of the site as identified by the red line shown in drawing 22/00195/02, titled Proposed Site Plan.

Reason - Ensure no displacement of floodwater to the rest of floodplain

Facility Lifespan

15. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.
Reason - To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

Soils

- 16 Prior to the further commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a soil management plan. The plan as approved shall be strictly adhered to.
Reason - To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 49 of LDP2.

Justification

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

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 may 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.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. 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 is included for your 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.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

THE COMMITTEE TOOK A 5 MINUTE RECESS AND THEN RECONVENED.

- (ii) **22/00301/FLM - S42 application to remove condition 14 (bus shelter and information board) of planning permission 18/02139/FLM, Wheel Inn, 37 Angus Road, Scone– Report No. 22/112 – Juniper Resident**

Councillor C Stewart addressed the Committee and answered members questions.

Resolved:

Defer, for more information on the location and deliverability of a bus shelter.

(2) Local Application

- (i) **21/00248/FLL - Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works, land west of 4 Pickembere, Pitheavlis, Perth - Report 22/113 - Aldi Stores Ltd**

Mr K Smith, Development Management & Building Standards Manager introduced the report and provided an update, also circulated to members prior to the meeting highlighting changes to the Report of Handling and recommending amended conditions and an amended procedure note.

Mr P Johnston, on behalf of the applicant, addressed the Committee via audio conference and answered members questions.

Resolved:

Grant, subject to the following amended conditions, amended terms and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. All plant or equipment 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 neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason - In order to safeguard the neighbouring residential amenity in the area.

3. Noise levels from the operation and servicing of the development shall be limited to an internal night-time target noise level of 42 dB LAFmax at residential receptors.
Reason - In order to safeguard the neighbouring residential amenity in the area.
4. Prior to the commencement of the development a Service Delivery Noise Management Plan, shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Environmental Health. The plan shall include the procedures and mitigation measures to control noise from all service delivery operations of the store. The details as approved shall then be implemented in full as part of the operation of the site.
Reason - In order to safeguard the neighbouring residential amenity in the area.
5. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with noise conditions, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales and included within an updated Noise Management Plan.
Reason - In order to safeguard the neighbouring residential amenity in the area.
6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
Reason - In order to safeguard the neighbouring residential amenity in the area.
7. Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Environmental Health. The CMP shall include a Dust Management Plan for the control of dust and Noise Management Plan for the control of noise during the construction phase of the development.

Reason - In order to safeguard the neighbouring residential amenity in the area.

8. Prior to the commencement of the development hereby approved, the applicant shall submit a street light system designed to EN 13201 / BS 5489 to be provided at the vehicle entrance to the development. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed in writing with the Council as Planning Authority and implemented in accordance with the approved plans.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

9. Prior to the commencement of development, a detailed design showing the vehicle access onto B9112 Necessity Brae with the following schemes shall be provided for:
 - (a) a signalised pedestrian crossing on B9112 Necessity Brae to link footways on either side of the road from the development site to the housing on the north and northwest;
 - (b) a footway from the west of the vehicle access into the site round to the gas meter housing;
 - (c) the finalised position of the relocated bus stop and associated road markings; and
 - (d) the footway along the B9112 removing the slabbing to replace with for example hot rolled asphalt or other equivalent between Low Road and Aviva's most northerly vehicle access,

The scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme will confirm the location, specification, detailed design and delivery timescales for the pedestrian crossing, footway link from the west into the site, the relocation of the bus stop and footway at the frontage of the development site. The scheme for the approved shall thereafter be implemented in full, prior to the opening of the retail unit.

Reason - In the interests of road, pedestrian safety and connectivity with the residential developments to the north and northwest of the development.

10. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to 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.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

11. Prior to occupation of the development on site, a cycle parking facility (Sheffield Stand or equivalent) for a minimum of 10 cycles shall be provided at the location detailed on drawing ref 35.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

12. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;

- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site. The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management

13. No removal of hedgerows, trees or shrubs or works to, or demolition of, buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared or building affected, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

14. Prior to the commencement of development a statement shall be submitted to and agreed in writing by the Council demonstrating compliance that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The measures as agreed shall be installed prior to operation/bringing into use of the development.

Reason - to comply with Policy 32 of the Local Development Plan 2.

15. Noisy Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

Reason - In order to safeguard the neighbouring residential amenity in the area.

16. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

Justification

There are material considerations that result in a recommendation to depart from the approved Development Plan

Procedural Notes

Permission shall not to be issued until the Section 75 Agreement and revocation (or via alternative mechanism) of the use of the existing store has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal 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. No work requiring of a building warrant shall be commenced until an application for building warrant has been submitted and approved.
5. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions

that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

7. An inspection of the proposed development site did not raise any identified concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
8. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. Street lighting plant is present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of plant and the position of the lighting columns at the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
10. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to landscaping, elevation finishes and supporting docs.
11. Prior to the installation of the Yellow Box Junction Markings on the B9112 Necessity Brae, approval must take place with Police Scotland and the Roads Authority. The Yellow Box Junction Markings must comply with *Section 8 of Traffic Signs Manual, Chapter 5 – Road markings (Department of Transport, 2018)*, including their suitability. The Network Team should be contacted in this regard traffic@pkc.gov.uk

CLLRS R BROCK AND D ILLINGWORTH LEFT THE MEETING AT THIS POINT

- (ii) **21/01488/FLL - Change of use from retail unit (Class 1) to hot food takeaway (Class 3) and installation of flue, 96 Glengarry Road, Perth - Report 22/114 - Mr A Hussein**

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In order to safeguard the neighbouring residential amenity in the area.

3. All plant or equipment 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 neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

4. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

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 be mindful of the need for regular cleaning and maintenance of the extract system to ensure that odour and/or noise is adequately controlled. DEFRA guidance advises that cleaning is undertaken every 2-6 months, dependant on daily usages and carbon filters are changed every 4-6 months. The applicant should ensure that the manufacturers/DEFRA guidance is followed at all times.

THE COMMITTEE TOOK A 5 MINUTE RECESS AND THEN RECONVENED.

(iii) 22/00228/FLL - Installation of 2 CCTV cameras (in retrospect), Logiealmond Estate, Logiealmond - Report 22/115 – Logiealmond Estate Ltd

Motion (Councillors B Brawn and I James)

Grant, subject to the following condition and terms:

Condition

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

Justification

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

Amendment (Councillors S Donaldson and M Williamson)

Refuse, on the grounds that the application is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 15: Public Access as the proposal would unreasonably affect public access rights. The use of CCTV in respect of a core path would unreasonably deter the public wanting to use the core path.

In terms of Standing Order 21.5 a roll call vote was taken.

5 members voted in accordance with the Motion as follows:
Councillors H Anderson, B Brawn, E Drysdale, I James and I Massie.

4 members voted in accordance with the Amendment as follows:
Councillors S Donaldson, C McLaren, G Stewart and M Williamson.

Resolved:

In accordance with the Motion.

(iv) **22/00529/FLL - Erection of an agricultural building, land east of Moivaird House, Ochtertyre, Crieff - Report 22/116 – Mr E Cameron**

Mr E Cameron, the applicant, accompanied by Mr A Bell, agent were available via audio conference for members questions. There were no questions.

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the use of the development hereby approved, a one-metre-tall post and rail timber fence shall be erected along the dashed blue line on drawing 04, with a field gate on the access link between the domestic curtilage and the agricultural land.
Reason - In the interests of amenity; to create distinction between the residential curtilage and the agricultural land, to ensure a satisfactory standard of local environmental quality.

Justification

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

Informative Notes

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 may be required.