

## DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 13 July 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band, (Vice-Convener), H Anderson, M Barnacle, I. Campbell D Cuthbert, A Gaunt, C Gillies, J Kellas, G Laing (substituting for G Walker), A Livingstone and M Lyle.

In Attendance: M Barr, S Callan, A Condliffe, C Petrie, M Petrie, B Stanford, R Stewart and J Thomson. G Fogg, H Rheinallt.

Apologies: Councillor J Giacopazzi and G Walker.

Councillor T Gray, Convener, Presiding.

### . **WELCOME AND APOLOGIES**

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

### . **DECLARATIONS OF INTEREST**

Councillor M Lyle declared a non-financial interest in Art. \*\* (2)(i) in terms of the Councillors' Code of Conduct.

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

The Minute of Meeting of the Development Management Committee of 8 June 2016 (Arts.\*-\*) was submitted, approved as a correct record and authorised for signature.

### . **DEPUTATIONS**

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

#### **Planning Application No.**

13/02364/IPL  
16/00461/FLL  
16/00613/FLL  
16/00622/FLL

#### **Art. No.**

\*\* (2)(i)  
\*\* (2)(ii)  
\*\* (2)(iii)  
\*\* (2)(iv)

## **APPLICATIONS FOR DETERMINATION**

### **(1) Major Applications**

- (i) 15/01826/FLM – PERTH – Erection of 8 commercial units for Class 4 (Business) Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and associated works on Land 120 Metres East of Mclaughlan Transport , Arran Road, Perth – Report 16/324 – C and W Assets Ltd**

#### **Resolved:**

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

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
2. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
3. For the avoidance of doubt, any retail and trade sale elements associated with any individual operational unit shall not exceed 20% of the overall floor area of the unit.
4. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used 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.
5. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number unless otherwise agreed in writing with the Council as Planning Authority.
7. All plant or equipment including any ventilation system associated with any of the commercial units shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a noise rating curve chart.
8. The hours of business for units shall be limited to 0700 hours to 1900 hours Monday to Sunday unless otherwise agreed in writing with the Planning Authority.

9. Commercial and Industrial deliveries shall be limited to Monday to Saturday 07.00 to 19.00 and at no other time unless otherwise agreed in writing with the Planning Authority.
10. For commercial and industrial areas 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.
11. Effective ventilation systems should be installed, operated and maintained in any units that are to be used for the production of food such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
12. Removal of existing vegetation, including hedgerows, trees, shrubs and scrub, shall be avoided between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a check of the vegetation for active birds' nests immediately prior to commencement of site clearance works and provided written confirmation that no birds will be harmed and/or that appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Planning Authority.
13. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should 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 blanked off at the end of each working day.
14. Prior to the occupation and use of the approved development all matters regarding access, car parking, cycle parking, street lighting, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority as detailed within the National Roads Development Guide and to the satisfaction of the Planning Authority.
15. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP 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.

### **Justification**

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

### **Procedural Notes**

1. If supported in line with recommendation, the application will require to be referred to Scottish Ministers.
2. In the event that Scottish Ministers refer the application back to the Council for final determination; this should be undertaken utilising delegated powers, incorporating all associated recommendations of this Development Management Committee.

### **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 38 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 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at

- the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. 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.
  7. No work shall be commenced until an application for building warrant has been submitted and approved.
  8. 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.
  9. The applicant is advised to contact the Council's waste advisers to clarify any bin storage requirements in relation to individual unit uptake.
  10. The applicant is advised that any future site owners should be made explicitly aware of their obligation in relation to the proposed maintenance responsibilities of the porous paving elements.

**(ii) 16/00401/FLM – PERTH – Erection of 203 dwellinghouses with associated car parking, vehicular access, open space, drainage and associated works on Land 150 Metres North East of McDonald's, Ainslie Place, Perth – Report 16/325 – Urban Union Ltd**

**Resolved:**

**Grant,** subject to the following terms, 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 consent.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.
3. The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
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 to the satisfaction of the Council as Planning Authority.

5. The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the 50<sup>th</sup> dwelling on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
7. Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.
8. Prior to the commencement of development the existing drainage infrastructure within the site shall be inspected and details of its condition and any required upgrading shall be submitted to and agreed by the Planning Authority in consultation with the Council's Flooding team. Thereafter the development shall be carried out as per the agreed details.
9. Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices
10. Prior to the commencement of development full drainage calculations and the final layout and depth of the proposed SUDS facilities and associated infrastructure are to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.

11. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
12. For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the planning authority and thereafter undertaken in accordance with the approved details.
13. 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.

#### **Procedural Notes**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00401/FLM. 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 will 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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
    - Displayed in a prominent place at or in the vicinity of the site of the development.
    - Readily visible to the public.
    - Printed on durable material.
  5. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
  6. The applicant should be aware that the street lighting scheme to be submitted to the Council as Roads Authority as part of their Construction Consent application should include the use of LED lights.
  7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
  8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
  9. No work shall be commenced until an application for building warrant has been submitted and approved.

**(iii) 16/00478/IPM – ABERFELDY – Residential development (in principle) on Land 25 Metres South West of 8 The Beeches, Aberfeldy – Report 16/326 – Bolfracks Estate Ltd**

**Resolved:**

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

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the



Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- The expiration of 3 years from the date of the grant of the planning permission in principle
- The expiration of 6 months from the date on which an earlier application for the requisite approval was refused
- The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- A detailed phasing plan for the whole site
- 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 phase, relative to existing ground levels and a fixed datum point.
- The siting, design, height and external materials of all buildings or structures;
- The details of all roads, footpaths and cycleways throughout the development;
- Details of any screen walls/fencing to be provided;
- Measures to maximise environmental sustainability through design, orientation and planting or any other means;
- Details of all landscaping, structure planting and screening associated with the development;
- Full details of the proposed means of disposal of foul and surface water from the development.

3. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and

adhered to through the construction phase of the development.

4. Notwithstanding the details on the indicative masterplan and prior to the commencement of any works in connection with each phase a development brief shall be provided for the area covered. The briefs shall specify:
  - The height and appearance of all new structures.
  - The use of appropriate external materials including walls, fences and other boundary enclosures.
  - The surfacing of all new roads, parking areas, cycleways and footpaths.
  - The lighting of all streets and footpaths.
  - The layout of play areas and the equipment to be installed.
  - Maintenance of all open space and treed areas not included in private house plots.
  - Details of car charging points to be provided within the development.

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

5. The site layout plan and housing numbers as submitted is purely indicative and is not approved.
6. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
7. As part of any detailed application an updated Flood Risk Assessment must be submitted for the written approval of the Planning Authority in consultation with SEPA and all work shall be carried out in accordance with the approved plan.
8. Prior to the commencement of development full design details of any proposed culverts shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Council's Flooding Team and SEPA. The agreed detail shall thereafter be implemented prior to the completion of the development.
9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council

as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

10. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
11. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for climate Change.
12. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (Unnamed watercourse as referred to in the FRA dated 14 March 2016) within the extents of the proposed development.
13. All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
14. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP 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.
15. Prior to the occupation or use of any part of the approved development 'Pick up and drop off' areas for school children / bus passengers shall be provided on both sides of the A827 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority. The area on the north side of the A827 shall also incorporate a 3 bay glazed bus shelter.
16. Prior to the commencement of works on any part of the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
- 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.
- 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.
- Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.
- 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.
- Details of information signs to inform other road users of construction traffic.
- Arrangements to ensure that access for emergency service vehicles are not impeded.
- Co-ordination with other major commercial users known to use roads affected by construction traffic.
- Traffic arrangements in the immediate vicinity of temporary construction compounds.
- Monitoring, reporting and implementation arrangements.
- Arrangements for dealing with non-compliance.

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.

17. 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 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 and agreed by the Planning Authority.
18. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations

- and securely sealing open pipework at the end of each working day.
19. All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.
  20. Prior to the commencement of development details of proposed bat and bird provisions shall be submitted to and agreed by the Planning Authority. The agreed detail shall thereafter be implemented prior to the completion of the development.
  21. The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
  22. The development shall be in accordance with the requirements of the Council's Developer Contributions Guide August 2014 and Policy PM3 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.
  23. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the 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 there from.

#### **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.
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 'matters specified by condition' 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 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
7. 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.
8. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
9. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
10. 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.
11. Because of a disused tip approximately 200m south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.

COUNCILLOR M LYLE LEFT THE MEETING AT THIS POINT

## **(2) Local Applications**

- (i) 13/02364/IPL – CRIEFF – Erection of a sports centre to provide indoor sports facilities (comprising sports centre with games hall, gymnasium, dance studio, swimming pool, changing facilities and associated ancillary accommodation) (in principle) at Dallerie Sports Pitches, Dallerie, Crieff – Report 16/327 – Morrisons Academy**

Mr D Gorrie, objector to the application, followed by Mr N Simpson on behalf of the applicant, addressed the Committee and following their representations withdrew to the public benches.

### **Resolved:**

**Grant**, subject to the following terms, conditions and informatives including an amended condition 7 as undernoted:

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision, all external lighting and specification of all proposed plant and associated equipment.
2. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified shall include specific details of any external lighting. 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, to the satisfaction of the Council as Planning Authority.
3. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include specific details of the existing ground levels and those of the proposed development.
4. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include the creation of an overland flow path to capture water from the existing lade which will overtop Turretbank Road in the absence of such a path.
5. For the avoidance of doubt, planning permission is hereby granted for an indoor facility only, with no outside uses approved.
6. For the avoidance of doubt, no details regarding the scale, mass, design or location of the proposed new building are approved under this permission.

7. The operation times of the facility shall be 0700-2200, with the facility closed by 2300.
8. Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must contain an air quality report, in the event that the swimming pool element is included.
9. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring sensitive receptor, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, to the satisfaction of the Council 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 there from.

#### **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.
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. The applicant is advised to make early contact with the Council with regards to satisfying the requirements of conditions 1, 2, 3 and 4 of this permission.

COUNCILLOR M LYLE RETURNED TO THE MEETING AT THIS POINT

- (ii) **16/00461/FLL – PERTH – Change of use of ground floor from storage to mixed use including retail, pool hall, crèche and tearoom at Ainslie's Antiques, 113-119 Glover Street, Perth, PH2 0JF – Report 16/328 – Mr Ainslie**

Ms K Alexander, objector to the application, addressed the Committee and following her representation withdrew to the public benches.



Councillor Gray moved that the planning permission be granted, subject to the conditions and informatives contained in Report 16/328. Having failed to find a Seconder, Councillor Gray's Motion fell.

**Resolved:**

**Refuse**, on the grounds that:

1. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that the siting of the development would not respect the character and amenity of the place.
2. The proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, in that the development would not protect the existing residential amenity.
3. The proposal is contrary to Policy RD2 of the Perth and Kinross Local Development Plan 2014, in that the development should not be sited in the midst of residential uses where problems of noise or disturbance cannot be satisfactorily addressed.
4. The proposal is contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014, in that the proposal would generate high levels of noise in the locality of noise sensitive uses.

COUNCILLOR B BAND LEFT THE MEETING AT THIS POINT

**(iii) 16/00613/FLL – BLAIRGOWRIE – Change of use of pavement to form outdoor seating area at 5 High Street, Blairgowrie – Report 16/329 – Cateran Cafe**

Mr G Gall, applicant, and Mr F Middleton, agent for the applicant, addressed the Committee and following their respective representations withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, 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 precise details of the extent of the seating area and barrier details shall be submitted for the approval in writing by the Council as Planning Authority. The details shall include a 2 metre wide path between the building and seating area, 1.5 metres between the seating area and the edge of the carriageway and a barrier between the seating area and carriageway. The approved details shall be adhered to at

- all times when the seating area is in use to the satisfaction of the Council as Planning Authority.
3. The tables, chairs and any other related items shall not be affixed to the footway surfaces.
  4. The hours of operation of the outdoor seating area shall be restricted to between 0800 to 1900 hours Monday to Saturday and 0900 to 1800 hours on Sunday.
  5. All furniture associated with the pavement cafe including tables, chairs and screens shall not be laid out before 0800 hours and shall be removed each day by 2000 hours.
  6. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

### **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. The applicant should be advised that in terms of Section 59 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to occupy a road or footway prior to the commencement of works. The applicant is therefore strongly advised to contact Transport Planning in order to obtain this consent.
5. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 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. In accordance with 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.

**(iv) 16/00622/FLL – INCHTURE – Erection of a shop and flat (increase size of building and re-position condensing unit fans) (in part retrospect) at the former Brewlands Quarry, Inchture – Report 16/330 – Mr Lal**

Mr G Ward, objector to the application and Mr J Lal, applicant, addressed the Committee and following their respective representations withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, 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. All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, all to the satisfaction of the Council as Planning Authority.
3. The Hours of operation of the shop are limited to 07:00 to 19:00hrs Monday to Sunday, to the satisfaction of the Council as Planning Authority.
4. All deliveries shall be between the hours of 07:00 to 17:00hrs Monday to Saturday no deliveries on a Sunday, to the satisfaction of the Council as Planning Authority.
5. The sound installation and sound transmission properties of the structure and finishes shall be such that no airborne noise from the operations within the premises is perceptible in the flatted property above, to the satisfaction of the Council as Planning Authority.
6. A public path through the site must be made available for public use within 1 month of a suitable connection being achievable to the land to the south, all to the satisfaction of the Council as Planning Authority.
7. All trees as shown on plan 16/00622/2 as being retained, must be retained and adequately protected during the

- remainder of construction and thereafter retained, to the satisfaction of the Council as Planning Authority.
8. The vehicular access to the shop must be retained in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
  9. Turning facilities must be retained within the site to enable all vehicles to enter and leave in a forward gear, all to the satisfaction of the Council as Planning Authority.
  10. A minimum of 5 No. car parking spaces shall be retained within the site, all to the satisfaction of the Council as Planning Authority.
  11. For the avoidance of doubt, no signage is approved as part of this permission.

### **Justification**

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

### **Informatives**

1. 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.
2. An application for Building Warrant will be required, and the necessary completion certificates must be issued prior to a) the occupation of the flat and / or b) the opening of the shop.
3. Prior to the opening of the shop all the appropriate trading licences must be obtained from the Council.
4. The applicant is advised that any signage would require a formal planning for Advertisement Consent.

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

### **(i) 16/00004/PAN – PERTH – Residential Development at Former Perth Auction Mart Site, East Huntingtower, Perth – Perth City West LLP**

Members requested that, in addition to the issues identified by the Development Quality Manager's report, the following be addressed in the planning application: (1) the importance of consultation, including with Tulloch and Letham Residents' Associations; and (2) the importance of receiving meaningful replies for statutory consultees.

### **(ii) 16/00007/PAN – SCONE – Mixed Use Development (Residential and Employment) on land at Perth Airport, Scone – Morris Leslie Ltd**

Members requested that, in addition to the issues identified by the Development Quality Manager's report, the following be addressed in the planning application: the importance of consultation, including with wider communities and the Civil Aviation Authority.

**(iii) 16/00008/PAN – MILNATHORT – Residential Development with Associated Roads on Land North of Linden Park Road, Milnathort – Dundas Estates Ltd**

Members requested that, in addition to the issues identified by the Development Quality Manager's report, the following be addressed in the planning application: (1) the impact of the site on the motorway and vice versa; (2) the possibility of the development, in combination with other developments, contributing towards access to Junction 7 on the M90; (3) consideration of the number of houses allocated in the Perth and Kinross Local Development plan for the site.

**(iv) 16/00009/PAN – RATTRAY – Residential Development, Landscaping, Open Space and Associated Infrastructure on Land North East of Lindale, Glenalmond Road, Rattray – Springfield Properties**

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.