

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 23 September 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, T McEwen (substituting on behalf of R Watters), C Purves, and W Wilson.

In Attendance: K Smith, A Condliffe, C Brien, M Lee, A Rennie, C Elliott, D Williams, A Brown, L McGuigan and A Taylor (all Corporate and Democratic Services); J Pritchard and L Reid (both Housing and Environment);

Apologies: Councillors C Reid, R Watters and M Williamson.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 25 August 2020 was submitted, approved as a correct record and authorised for signature.

4. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
19/02121/FLL	5(1)(i)
20/00790/FLL	5(1)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 19/02121/FLL - FEARNAN - Erection of 4 dwellinghouses, land north west of The Croft, Fearnan – Report 20/169 – AKG Homes**

Prior to consideration of the application, A Condcliffe, Team Leader, provided an update to members on the proposed changes to Condition 4.

Ms S Dolan-Betney, objector on behalf of Glenlyon & Loch Tay Community Council and the Fearnan Village Association, followed by Mr R Johnston, agent on behalf of the applicant, addressed the Committee via audio conference.

Resolved:

Grant, subject to the following conditions 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. The ancillary accommodation associated with Plot 4 hereby approved shall be used solely in conjunction with the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse.
Reason: In order to retain control of the use of this building.
3. Prior to the commencement of the development hereby approved, details of the proposed internal and perimeter boundary treatments for the site and garden ground levels (AOD) shall be submitted for the written agreement of the Council as Planning Authority. The schemes as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: In order to protect residential amenity.
4. Prior to the occupation of any dwelling, all matters regarding vehicular access geometrics and surfacing, 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.
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
5. Prior to the commencement of the development hereby approved, visibility splays at both proposed vehicular access points shall be provided to the left and right as per approved plan 19/02121/53, when measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.
Reason: In order to protect road and pedestrian safety.
6. Prior to the commencement of the development hereby approved, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage

areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme for each plot has been provided in full.

Reason: In order to ensure that acceptable provision for waste / recycling storage is provided.

7. Development shall not commence 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 agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In order to comply with the aims of the Scottish Planning Policy.

8. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority. 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 to the satisfaction of the Council as Planning Authority.

Reason: In order to clarify the terms of this planning permission and to ensure that residential amenity is protected.

9. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies a Construction Exclusion Zone (CEZ) shall be submitted for the written

agreement of the Council as Planning Authority. This plan shall ensure all related fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason: In order to ensure that trees which are to be retained are protected during the construction phase.

10. Prior to the commencement of the development hereby approved, all trees on site and along the boundaries (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: In order to ensure that trees which are to be retained are protected during the construction phase.

11. All trees on site and along the boundaries, other than those marked for felling on the approved plans, shall be retained.

Reason: In order to clarify the terms of this planning permission.

12. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS shall include the following:
- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
 - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
 - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure that the environmental interests of the River Tay Special Area of Conservation are protected.

13. Prior to the commencement of the development hereby approved, details of the means of surface water disposal across the site shall be submitted for the written agreement

of the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure that surface water is managed.

14. Prior to the commencement of the development hereby approved, a statement that demonstrates 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 shall be submitted for the written agreement of the Council as Planning Authority. In the event that this statement is revised during the Building Warrant process, it shall be resubmitted to the Council as Planning Authority.

Reason: In order to comply with Policy 32 of Perth and Kinross Local Development Plan 2.

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 stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
5. The applicant should be aware that Scottish Water are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

(ii) 20/00790/FLL - LOGIEALMOND - Erection of entrance gates, bin store and associated works, Logiealmond Estate, Logiealmond – Report 20/170 – Logiealmond Estate Ltd

Prior to consideration of the application, C Brien, Team Leader, provided an update to members on the proposed changes to Informative 6.

Mr A Farningham, agent on behalf of the applicant, addressed the Committee via audio conference.

Resolved:

Grant, subject to the following conditions 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. The asserted core path must not be obstructed during building works or on completion of the development; unless a diversion order has been obtained and the replacement path has been completed to the satisfaction of the Council as Planning Authority. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.
Reason: To ensure that public access is maintained at all reasonable times, to the local path network.
3. Prior to the commencement of works on site, full details of the construction and surface of the path shall be provided for the further written approval of the Council as Planning Authority. The details as subsequently approved shall be implemented to the satisfaction of the Council prior to its use.
Reason: In order to clarify the terms of the permission; to ensure appropriate surfacing within the local path network.
4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be modified in accordance with the plans submitted. A minimum of the first 5 metres of the vehicle access from the public road network shall be constructed in accordance with Perth & Kinross Council's Road Development Guide using the Construction Type C from the Construction Details for Access Types C, D and E. For the avoidance of doubt, kerbing must be provided for a minimum of the first 5 metres of the vehicle access from the public road to protect its construction.

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

5. All trees identified for retention on the plans including any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Any approved Tree Protection measures shall not be removed breached or altered without the prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until the development is completed. If the protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease, until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

6. Any existing trees which become diseased, damaged or die, or new hedgerows which fail to become established within five years of this permission shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the 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. 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 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. 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 granting of planning permission does not stop the continued right of public access along the existing core path (Core Path METH/130). An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

(2) Proposal of Application Notice (PAN)

(i) 20/00006/PAN - PERTH - Formation of a battery energy storage system comprising siting of container units, installation of a substation, erection of fencing, landscaping and associated works at land south of Newhouse Farm, Perth – Report 20/171 – ILI Group PLC

Councillor Anderson requested that access to the site be considered, with specific reference to access for emergency vehicles be taken into consideration.

Councillor Wilson requested that vehicular access during the construction phase be taken into consideration. Councillor Wilson further requested that Transport Planning, land use with specific reference to the Core Path area, landscape, a habitat survey and noise and light issues be taken into consideration.

Councillor James requested that the security of the site and noise pollution be taken into consideration.

Members noted the issues identified by the Head of Planning and Developments Report.

(ii) 20/00007/PAN - BLAIRGOWRIE - Erection of 109 dwellinghouses, garages and associated works (change of house types and revised designs for plots 1-80 and 88-117

associated with planning permission 17/00961/AMM) at land south west of Maple Place, Blairgowrie – Report 20/172 – Scotia Home and Petrie Family

Councillor Brawn requested that traffic matters be taken into consideration, with specific reference to traffic on Elm Drive. Councillor Brawn also requested that affordable housing contributions be taken into consideration.

Councillor McEwan requested that an on-site playpark area and extension to the Blair Trail be taken into consideration.

Councillor Wilson requested that internal consultations be taken into consideration, with specific reference to Community Greenspace, Structures and Flooding and Transport Planning. Councillor Wilson also requested that the relationship with neighbouring land uses, impact of construction and operational noise and flooding be taken into consideration.

Councillor Barnacle requested that consideration be given to the neighbouring cemetery.

Members noted the issues identified by the Head of Planning and Developments Report.