

# PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 14 June 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies A Bailey (substituting for Councillor B Leishman), C McLaren and M Williamson, Councillors H Anderson, B Brawn (up to and including Item 5(2)(i)), M Frampton (substituting for R Watters), K Harvey, D Illingworth, I James (up to and including Item 5(2)(i)), C Reid and C Stewart (substituting for D Cuthbert).

In Attendance: L Reid, D Salman, K Smith and P Williamson (all Communities); A Brown, C Elliott, J Guild and M Pasternak (all Corporate and Democratic Services).

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

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

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

## 2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct, Bailie A Bailey declared a non-financial interest in Item 5(2)(i).

## 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 17 May 2023, be approved.

## 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.
23/00224/FLM	5(1)(i)
23/00167/FLL	5(2)(i)

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Application

- (i) **23/00224/FLM – Section 42 application to vary condition 12 (noise mitigation) of permission 19/00917/FLM, land 300 metres northwest of Lathro Farm, Kinross**

Following non-attendance by the deputation, the Committee proceeded to determine the application.

#### **Motion (Councillors I Massie and D Illingworth)**

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

#### **Conditions**

1. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.  
Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. The development shall be completed in accordance with the delivery plan confirming the phased delivery of the site and construction works, submitted 23/04/21. Drawing No. 19/00917/133.  
Reason: In order to ensure the implementation and completion of the development components of the proposal coincide with key infrastructure delivery requirements.
4. The development shall be completed in accordance with the updated Construction Environment Management Plan (CEMP). Submitted 20/09/21. Doc ID – 1695603 of permission 19/00917/FLM relate.  
Reason: In the interest of protecting environmental quality and of biodiversity.
5. The development shall be completed in accordance with the Construction Traffic Management Scheme as included in the Construction Environment Management Plan (CEMP). Submitted 20/09/21. Doc ID – 1695603 of permission 19/00917/FLM relate.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow throughout the construction period.

6. The development shall be finished in accordance with the Invasive Species Management Plan and Biodiversity Action Plan, submitted 23/04/21. Drawing No's - 19/00917/136 and 19/00917/137.

Reason: In the interests of protecting environmental quality and promoting biodiversity.

7. 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 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 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).

8. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be as set out and agreed in the Construction Environmental Management Plan (CEMP) subject of Condition 3 of this planning permission. 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.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

9. The detailed landscaping and planting scheme (plans 19/00917/74) which is hereby approved shall be implemented concurrently with development and be completed within the first available planting season (October to March) after the completion of the development. The approved scheme shall thereafter be maintained, with any planting failing 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.

10. The development shall be completed in accordance with the finished detail of the required Sustainable Urban Drainage (SuDS) pond, submitted 23/04/21. Drawing No. 19/00917/136.

Reason: In the interests of visual amenity, enhancing biodiversity opportunities and in pursuance of satisfying placemaking policy criteria of the LDP.

11. The development shall be completed in accordance with the finished design details of the proposed children's play area. Submitted 23/04/21. Drawing No. 19/00917/135

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

12. 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.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality during the construction period.

13. Trickle ventilators shall be installed with passive extract ventilation systems in line with the recommendation within the approved 'Residential Noise Mitigation Scheme' report N79153-1r2 dated 19 August 2022, Figure 3 and 4 proposed glazing and sound insulation performance and ventilation strategy for Ground and 1st floors plans.

Reason: In the interests of public health and to prevent adverse noise pollution.

14. Within 2 months of the date of this planning permission, detailed designs and specification of the following road infrastructure improvements shall be submitted to and approved in writing by the Planning Authority:
- a) hard standing areas to facilitate bus stops on the North and South sides of Gallowhill Road in the vicinity of the development's new access; and
  - b) delivery of bus shelters on both sides of the A922, in the vicinity of the development access (near Lathro Cottage).

Thereafter, the approved details for both schemes shall be completed by or on behalf of the developer and made available for use to the satisfaction of the Planning Authority, within 4 months of the date of this planning permission.

Reason: In the interests of pedestrian and traffic safety; ensuring provision and encouraging use of suitable public transport measures.

15. The development shall be completed in accordance with the Travel Plan, aimed to encourage more sustainable means of travel, submitted 23/04/21. Drawing No. 19/00917/141.  
Reason: In the interests of road safety; to seek sustainable means of travel to and from the site.
16. Within 4 months of the date of this planning permission, the vehicular access at Gallowhill Road shall be formed in accordance with Perth & Kinross Council's Road Development Guide, Type C Figure 5.7 access detail, of Type B Road construction detail, delivered and opened at a time as agreed in association with satisfying the delivery plan required by condition 3.  
Reason: In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.
17. Within 2 months of the date of this planning permission, a scheme for the introduction of traffic signal control at the junction of The Muirs and C495 and associated road infrastructure works shall be submitted to and approved by the Planning Authority in writing. Thereafter the approved scheme shall be implemented by or on behalf of the developer prior to the occupation of the ninety seventh dwellinghouse on the development hereby approved, to the satisfaction of the Planning Authority.  
Reason: In the interests of road safety.
18. Within 2 months of the date of this planning permission, a scheme for the extension of the existing 30 mph traffic regulation order beyond the proposed new development access junction on Gallowhill road and associated road infrastructure works shall be submitted to and approved by the Planning Authority in writing. Thereafter the approved scheme shall be implemented at a time as agreed in association with satisfying the delivery plan required by Condition 3, to the satisfaction of the Planning Authority.  
Reason: In the interests of road safety.
19. The development shall be finished in accordance with the design details of the mini glass recycling point. Submitted 23/04/21. Drawing No. 19/00917/135.  
Reason: In the interests of sustainability, seeking to reduce carbon footprint and encourage household recycling

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would

constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. 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. There is a continued requirement for a Section 75 legal obligation covering the wider site, which includes Open Space provision and maintenance. A copy is available to view on the Council's Public Access portal.

Amendment (Councillor C Stewart)

Refuse the application and maintain the conditions for the development as set out in planning permission 19/00917/FLM.

On failing to secure a seconder, the Amendment subsequently fell.

**Resolved:**

In accordance with the Motion.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE A BAILEY LEFT THE MEETING AT THIS POINT.

**(2) Local Application**

- (i) **23/00167/FLL – Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period) land 25 metres south west of public convenience, Atholl Street, Dunkeld PH8 0AX**

Ms C Claydon, objector to the application, followed by Mr O Cevik, applicant, addressed the Committee and answered Members' questions.

**Resolved:**

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

**Conditions**

1. Planning permission is hereby granted for a temporary period until 30 June 2028. Prior to this date, all development shall be removed from the site, and the use shall cease. If the use of the site ceases prior to this date for a continuous period of 6 months, then all development shall be removed from site within a period of 2 months from the date of a formal notification by the Council as Planning Authority.  
Reason: This is a temporary planning permission.
2. 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.
3. Prior to the commencement of the development hereby approved, precise details of the proposed base of the container, intended utility/infrastructure connections and other ancillary storage containers shall be submitted to and agreed in writing by the Council as Planning Authority. The details must ensure that a) pressure on the roots is not excessive and b) suitable drainage to the ground beneath can take place. The agreed details shall thereafter be implemented in full.  
Reason: In order to safeguard surrounding trees.
4. 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 protect existing residential amenity.
5. 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 as per the manufactures specifications.  
Reason: In order to protect existing residential amenity.
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 protect existing residential amenity.

7. The container shall be finished in the agreed colour on all four sides, and the external finish thereafter maintained yearly.

Reason: In order to protect the visual amenity of the area.

8. Prior to the delivery of the container, all trees on site 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 installation phase.

Reason: In order to protect existing trees from unnecessary damage during the delivery of the container.

9. Prior to the commencement of the development hereby approved, detailed drawings showing all waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full after commencement.

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

10. The onsite refuse storage area for these premises shall be operated and maintained such that detriment is not caused to the amenity of the area or any neighbouring premises.

Reason: In the interest of proper site management.

11. The asserted core path (DUNK/25) must not be obstructed during building works or on completion of the development. 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: In order to protect public access rights.

12. Prior to the commencement of the development hereby approved, an Operational Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The Plan must include opening hours, details of means of deliveries and timing, a procedure for dealing with onsite anti-social behaviour and a review procedure. The approved plan shall be implemented in full.

Reason: In order to protect residential amenity.



### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
4. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>

BAILIE A BAILEY RETURNED TO THE MEETING AT THIS POINT.

COUNCILLORS B BRAWN AND I JAMES LEFT THE MEETING AT THIS POINT.

### **6. PROPOSAL OF APPLICATION NOTICES**

- (i) **23/00005/PAN – Mixed use development comprising the erection of retail units including garden centre (Class 1a), café/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works, Former British Car Auctions, Kinross**

Bailie McLaren requested due consideration be given to adequate provision of waste management and recycling facilities.

Councillor C Stewart requested due consideration be given to phosphorous mitigation and discharge into Loch Leven.

Councillor Frampton requested due consideration be given to the wider road network and traffic at the shared area and Kinross High Street.

Bailie Williamson requested due consideration be given to light pollution and impact of same on the Quaich Burn, security fencing around the development and noise pollution.

The contents of the Head of Planning & Development's Report were noted.

**(ii) 23/00006/PAN – Siting of 68 holiday accommodation units and manager's accommodation unit, formation of vehicular access, erection of hub building, landscaping, car parking and associated works, land 1000 metres east of Muirhead Cottage, Auchterarder**

Councillor Reid requested due consideration be given to consultation with the Health and Safety Executive due to nearby high pressure gas pipeline and a traffic management plan for the A823, Church Road and Orchil Road.

Councillor C Stewart requested due consideration be given to suitable access to and from the site.

Bailie McLaren requested due consideration be given to adequate waste management and recycling facilities.

Bailie Williamson requested due consideration be given to noise pollution, public transport, impact on events within the area and developer contributions.

The contents of the Head of Planning & Development's Report were noted.

**(iii) 23/00007/PAN – Erection of staff service/welfare building, office building, greenhouse, upgrade of public road access and upgrade to forestry track, parking with cycle storage, installation of biomass plant and associated ancillary buildings/works, land 0.8km north of Newhall Estate, Taymouth Castle, Kenmore, Aberfeldy PH15 2NT**

Bailie Williamson requested due consideration be given to the design of the building ensuring it is in keeping with the character of the surrounding countryside, traffic management, access to public transport, noise mitigation, flood risk, construction times and potential use of treated sewage for the local golf course irrigation.

Councillor C Stewart requested due consideration be given to the proximity to A827 and consultation with the Roads Authority in relation to subsidence of this road.

The contents of the Head of Planning & Development's Report were noted.