

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 28 August 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance:, K Smith, C Brien, J Scott, D Littlejohn, H Donaldson, L Reid, D Salman and R Stewart (all Housing and Environment); G Fogg and D Williams (both Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

410. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

411. DECLARATIONS OF INTEREST

Councillor L Simpson declared a non-financial interest in Item 415(1)(i).

412. MINUTES

The minute of meeting of the Planning and Development Management Committee of 31 July 2019 (Arts. 377-380) was submitted, approved as a correct record and authorised for signature.

413. 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.
18/02231/AMM	415(1)(i)
19/00975/FLL	415(2)(iii)

414. WITHDRAWAL OF APPLICATIONS

The Committee noted the following applications had been withdrawn from the agenda:

19/00090/FLL - COUPAR ANGUS - Erection of a dwellinghouse, land east of Abbeyhill, Precinct Street, Coupar Angus

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HAVING PREVIOUSLY DECLARED AN INTEREST IN THE FOLLOWING ITEM,
COUNCILLOR L SIMPSON LEFT THE MEETING AT THIS POINT.

415. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 18/02231/AMM – SCONE – Erection of 42 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/02127/IPM) (Phase 1A), Scone North, Scone – Report 19/232 – A and J Stephen Limited**

Mr McKerracher, on behalf of Scone and District Community Council, objectors to the application, followed by Mr Stephen, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and I James)

Defer the application for a site visit, response from NHS Tayside concerning the capacity of medical practices to accept the impact of this application and further information on pedestrian access and safety, flood risk, and existing and proposed road access.

Amendment (Councillors H Coates and R McCall)

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. Prior to the commencement of development hereby approved, details of the location and specification of the bat/swift brick(s) and/or bat/swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority (incorporated into 30% of buildings of 2 or more storeys at eaves height).
Thereafter, the swift brick(s) and/or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.
Reason - In the interests of employing best practice ecology measures.**

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- 3. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.**
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).
- 4. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan, prior to the completion and occupation of plot 42 and thereafter 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 sizes and species to the satisfaction of the Council as Planning Authority.**
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.
- 5. Notwithstanding the submitted drainage details, prior to the installation of any drainage works on site, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing in to the use of the development.**
Reason - To ensure the technical specification of the drainage system for the site accords with Policy EP3C - Water, Environment and Drainage (Surface Water Drainage) of the Perth and Kinross Local Development Plan 2014.
- 6. All trees identified for retention and 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'**
Reason - In the interest of tree protection in the interests of biodiversity and amenity of the area.
- 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**

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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 - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

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

Reason – In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

9. Prior to the occupation of the first dwellinghouse hereby approved, the existing 30 mph signage and Traffic Regulation Orders will be amended, so as to extend the existing 30mph zone beyond the proposed new vehicular access (a minimum of 43 metres), within the public road boundary to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

10. Prior to the development hereby approved being completed or brought into use, provision of pedestrian facilities to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority shall be provided, linking the development to existing pedestrian facilities at Harper Way as per drawing ref 18/02231/153.

Reason - In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

11. Prior to the development hereby approved being completed or brought into use, provision of two. 3 bay bus shelters (including power supply and lighting) and associated hard stand areas to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority shall be

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provided within the road boundary in the vicinity of the proposed new access onto the U87 to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason - In the interest of promoting sustainable public transport.

12. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path (SCON/30) as part of the development (including timings and resurfacing works post completion) shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timing identified in the plan.

Reason -To ensure that public access is maintained at all reasonable times, to the local path network.

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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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.

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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 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.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
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. 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.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
9. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
10. The applicant is advised to take full account of all matters relating to the Structures and Flooding Memo (dated 30 July), particularly in relation to fulfilling ongoing obligations and for any future application and/or phase of development associated with In Principle Permission 16/02127/IPM.
11. In association with informative 10, the applicant is requested to further provide as-built drawings, maintenance plan, adoption schedule and CCTV survey of the drainage system to the Structures

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Flooding Team on completion of each phase of the works.

- 12. The applicant is advised that the granting of planning permission 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.**
- 13. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 14. 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**
- 15. 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 permission for a development does not provide a defence against prosecution under this Act.**
- 16. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.**
- 17. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.**
- 18. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).**

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19. The applicant is reminded of existing ongoing obligations pertaining to PPP 16/02127/IPM and the suspensive conditions as set out.
20. For clarification, the indicative Phasing plan and Construction Environment Management Plan submitted in draft form as part of this application are not approved as part of this permission.

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum dated April 2019. The EIA Addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The Addendum considers the conclusions reached in the 2016 Environmental Statement (ES).
3. The Addendum concludes that through the proposed submission of the approval of matters specified of phase 1a, there would be no material or substantive effect on the conclusions reached through the original 2016 ES and the associated 2017 SEI.
4. The Planning Authority is satisfied that the EIA Addendum is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the original proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development.
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions and ongoing S75 control, the proposal is acceptable and can be approved.

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In terms of Standing Order 58 a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, E Drysdale, I James, A Jarvis and W Wilson.

6 members voted for the Amendment as follows:

Councillors B Band, B Brawn, H Coates, T Gray, R McCall and R Watters.

In terms of Standing Order 56 the Convenor made the casting vote in accordance with the Amendment.

Resolved:

In accordance with the Amendment.

(2) Local Applications

- (i) 19/00697/FLL – PERTH – Erection of boundary treatments, retaining walls and a bin store, installation of a substation and screened sprinkler tank, formation of parking areas, landscaping and associated works (revised design), land at Conachar Court, Isla Road, Perth – Report 19/234 – Balhousie Care Group**

Resolved:

Grant, subject to the following conditions and informatives, including the updates provided by planning:

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 trees identified for retention and 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'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be

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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.

3. The development hereby permitted shall not commence until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Planning Authority. The AMS scheme as subsequently agreed shall be strictly adhered to during construction of the development. The AMS shall include full details of the following:

- a) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- b) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees.
- c) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

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

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further 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.

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

5. The development hereby permitted shall not commence until a detailed scheme has been submitted to and approved by the Council as Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation upon noise levels within the residential care home hereby permitted. The scheme 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 safeguard the residential amenity of the area.

6. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

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. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads and Bridges standard BD 2/12 (and HD 22/08

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where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth and Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth and Kinross Council's Structures & Flooding Team (tel 01738 475000; email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

5. An application for Building Warrant may be required.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

(ii) 19/00975/FLL – FEARNAN - Erection of a replacement dwellinghouse, site of former Briar Croft, Fearnan – Report 19/235 – Ms L Beaumont

Ms S Dolan-Betney, on behalf of Glenlyon and Loch Tay Community Council and Mr N Grant, on behalf of objectors, followed by Mr R Hall, agent, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

Motion (Councillors T Gray and M Barnacle)

Grant, subject to the following amended 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. **Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.**

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Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

- 3. Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.**

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

- 4. The stove 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.**

Reason - To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

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.**

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4. **No work shall be commenced until an application for building warrant has been submitted and approved.**
5. **Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing demolition works. If bats are found during works, all work must stop immediately and you should contact SNH Licencing Team (01463 725 000) immediately for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place. It is also an offence to damage or destroy a resting or breeding place used by bats.**
6. **Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.**
7. **The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.**
8. **The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.**

Amendment (Councillor E Drysdale and W Wilson)

Refuse, as the proposal does not comply with Local Development Plan policies ER6 (a, b d and e), PM1a, PM1B(c) and RD1(c).

In terms of Standing Order 58 a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, H Coates, T Gray, I James, A Jarvis and R McCall

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5 members voted for the Amendment as follows:
Councillors B Brawn, E Drysdale, L Simpson, R Watters and
W Wilson.

Resolved:
In accordance with the Motion

(2) Proposal of Application Notice (PAN)

- (i) 19/00003/PAN – MEIGLE – Erection of a substation, ancillary buildings and infrastructure, formation of hardstanding, access track, landscaping and associated works, land north west of Haughend Farm, Meigle – Report 19/236 – Scottish Hydro Electric Transmission PLC**

Members noted the issues identified by the Head of Planning and Development's Report.

- (ii) 19/00004/PAN – SCONE – Major Infrastructure Project Application – Cross Tay Link Road at the A9 over the River Tay to the A93 and A94 north of Scone – Report 19/237 – Perth and Kinross Council**

Councillor Simpson requested that thorough consideration be given to road drainage and water environment. Councillor Simpson also requested that the construction management plan take into recreational usage of the area.

Councillors Wilson and James requested that consideration be given to noise impact for local residents.

Members also noted the issues identified by the Head of Planning and Development's Report.

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