

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
24 SEPTEMBER 2019

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 Tuesday 24 September 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern (on behalf of I James), H Anderson, B Band (up to and including Art. 462(2)(i)), M Barnacle (up to and including Art. 462(2)(iii)), E Drysdale (up to and including Art. 462(2)(i)), T Gray, D Illingworth, M Williamson (on behalf of R Watters) and W Wilson.

In Attendance:, K Smith, A Condliffe, J Scott, L Akroyd, G Bissett, R MacKenzie, R Morley, D Niven, D Salman and C Stewart (all Housing and Environment); C Elliott and D Williams (both Corporate and Democratic Services).

Apologies: Councillors I James, C Purves, L Simpson and R Watters.

Councillor R McCall, Convener, Presiding.

458. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

459. DECLARATIONS OF INTEREST

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

460. MINUTES

The minute of meeting of the Planning and Development Management Committee of 28 August 2019 (Arts. 377-380) was submitted, approved as a correct record and authorised for signature.

461. 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.
19/00254/FLM	462(1)(i)
19/00513/FLM	462(1)(ii)
19/00090/FLL	462(2)(i)
19/01096/FLL	462(2)(iii)
19/00818/CON	462(2)(iv)

462. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/00254/FLM - RATTRAY - Erection of 58 dwellinghouses, 9 garages, formation of parking areas, drainage infrastructure, landscaping and associated works, Land East of Honeyberry Crescent, Rattray – Report 19/287 – GS Brown Construction Ltd**

J Scott, Team Leader, introduced the report and advised members of the following updates:

- (i) Page 27, Para 36, Consultation – Scottish Water should read:
No objection, advising sufficient capacity at Linrathen Water Treatment Works. Capacity at the Blairgowrie Waste Water Treatment Works would be considered by Scottish Water through a pre-development enquiry (PDE).
- (ii) an additional condition 17 is recommended to ensure the necessary additional detail and technical specification are provided, and appropriate details are approved, to ensure appropriate solutions for both the drainage system and the landscaping scheme.

Mr Wallace, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

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.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Development shall not commence until 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 for the further written agreement of the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA). Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed

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pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP. Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

3. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (CTMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) 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;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) 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;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.The CTMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority. Reason: In the interests of road safety.
4. 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

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particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

5. 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 the interest of protecting archaeological interest within the site.

6. Concurrent with the initiation of the development hereby approved, and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

7. The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved (plan 19/00254/45) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may

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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.

Reason: In order to prevent animals from being trapped within any open excavations.

9. 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 50% of buildings). Thereafter, the bat/swift brick(s) and/or bat/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 protecting environmental quality and of biodiversity.

10. Prior to the commencement of any works on site, all trees on site (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 the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

11. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

12. Any planting which, within a period of 5 years from the completion of the approved development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the

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proposed development into the local landscape in the interests of the visual amenity of the area.

13. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - vi. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

14. Prior to the commencement of development a site specific plan, detailing bin storage areas, kerbside collection locations and communal recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details to the satisfaction of the Council as Planning Authority.
- Reason: To ensure there is adequate provision for waste disposal and recycling.

15. 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 as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

16. Prior to the commencement of development hereby approved, detailed SAP calculations shall be submitted to, and approved in writing by, the Council as Planning Authority. The calculations as approved shall thereafter be implemented as part of the building programme.

Reason: To ensure that the development accords with LDP Policy seeking to secure a percentage of low and zero carbon generating technology within new development.

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17. Notwithstanding the details on plans 19/00254/49 and 19/00253/50 (in associated with supporting plans 52, 53, 54), no development shall commence on site until a further drawing is submitted to, and approved in writing by, the Council as Planning Authority. This drawing(s) shall confirm the arrangements and technical specification of the landscaping in relation to the approved drainage scheme. The approved specification shall thereafter be carried out in accordance with the approved scheme and be operational prior to the bringing into use of the development.
Reason: To ensure appropriate drainage arrangements and landscaping are installed and operational, to avoid any conflict of the drainage scheme with the landscaping proposals.

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.

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions relating to the public path upgrade have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant or presentation at Planning and 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.

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3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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.
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. 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. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill.
8. 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, Pullar House, Perth.
9. 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.
10. 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

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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

11. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
12. 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 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.
13. 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.
14. 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.
15. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
16. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
17. The applicant is advised to refer to Perth & Kinross Council's [Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.

(ii) 19/00513/FLM - COUPAR ANGUS - Formation of a battery storage facility, vehicular access and associated works, Land 130 Metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus – Report 19/268 – Coronation Power Limited

Ms W Combes, on behalf of Coupar Angus and Bendochy Community Council, and Ms M Galloway, objector to the application, followed by Mr A Mott, agent for the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

DURING THE DEPUTATIONS FOR THIS ITEM, THE COMMITTEE TOOK A 5 MINUTE RECESS.

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Motion (Councillors T Gray and E Drysdale)

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. All hereby approved plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.**
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
- 3. Noise from the hereby approved development shall not exceed 33dB LA_{eq,(15 min)}, including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, when measured at any residential property in accordance with BS4142 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.**
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
- 4. Noise mitigation measures outlined in Section 7.1 and Appendix 3 of the hereby approved Noise Impact Assessment undertaken by ARCUS - dated March 2019 (Plan reference 19/00513/27) , shall be implemented prior to the hereby approved development being brought into use.**
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
- 5. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 2 and 3. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the**

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noise levels do not comply with conditions 2 and 3 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

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

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

7. Prior to the operation/commissioning of the development, an Operational Environmental Management Plan (OEMP) shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all operations associated with the development shall be carried out in accordance with such approved OEMP.

Reason: In order to ensure the development does not impact negatively on the environment during its operational life.

8. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) arrangements for liaison with the Roads Authority regarding winter maintenance;

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- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;**
- e) 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;**
- f) arrangements for cleaning of roads affected by material deposited from construction activities associated with the development;**
- g) 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;**
- h) details of information signs to inform other road users of construction traffic;**
- i) arrangements to ensure that access for emergency service vehicles are not impeded;**
- j) monitoring, reporting and implementation arrangements; and**
- k) 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. Reason: In the interests of road safety.

- 9. 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 C Figure 5.7 access detail, and of Type B Road construction detail.**

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

- 10. Prior to the commencement of the development hereby approved, details of the recessive, natural colour of the proposed external finishing materials to be used for the fence and structures shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.**

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

- 11. The conclusions and recommended action points within the supporting biodiversity survey (plan 19/00513/20) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.**

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

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

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act 1981.

- 13. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. These measures may include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations; or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being closed off at the end of each working day.**

Reason: In order to prevent animals from being trapped within any open excavations.

- 14. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme, prior to the commissioning of the energy storage facility and thereafter maintained.**

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

- 15. 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.**

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

- 16. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a soil management plan. The plan as approved shall be strictly adhered to.**

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Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 49 of LDP2.

- 17. For the avoidance of doubt, parts of the site are located within the 1/200 (0.5% AEP) flood extent, with a medium to high risk of flooding. Such areas must not be raised above existing ground levels. This applies to the entirety of the site.**

Reason: Ensure no displacement of floodwater to the rest of floodplain.

- 18. Storm water drainage from all impermeable surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems which meet the requirements of best management practices.**

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

- 19. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.**

Reason: To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

Justification

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

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).**
- 2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.**

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3. **As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.**
4. **An application for Building Warrant may be required.**
5. **The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.**
6. **The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.**
7. **The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.**

Amendment (Councillors B Brawn and M Barnacle)

Refuse, as the proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy ER5 as it would result in the loss of prime agricultural land, and that it has not been established that an alternative site had been fully considered in the locality.

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

9 members voted for the Motion as follows:

Councillors C Ahern, H Anderson, B Band, E Drysdale, T Gray, D Illingworth, R McCall, M Williamson and W Wilson.

2 members voted for the Amendment as follows:

Councillors M Barnacle and B Brawn.

Resolved:

In accordance with the Motion.

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(2) Local Applications

(2)(i) 19/00090/FLL - COUPAR ANGUS - Erection of a dwellinghouse, Land East of Abbeyhill, Precinct Street, Coupar Angus – Report 19/269 – Mrs M Ward

Mr K Miles, objector, followed by Mr J Watchman and Mr P Inglis, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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. Prior to the commencement of any development precise details of the proposed means of surface water disposal shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.
Reason: In order to ensure the site is adequately drained.
3. All external doors and windows shall be timber to the satisfaction of the Council as Planning Authority.
Reason: In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.
4. Prior to the commencement of any development precise details of any entrance gate(s) shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.
Reason: In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.
5. The proposed UPVc rainwater goods are not approved. Prior to the commencement of the development, precise details of all rainwater goods shall be submitted for the written agreement of the Council as Planning Authority. The approved details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

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Reason: In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

6. Prior to the commencement of the development, samples of all external finishes for both the dwellinghouse and the outbuilding shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

7. The ancillary outbuilding shall be used solely in conjunction with the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse to the satisfaction of the Council as Planning Authority.

Reason: In order to clarify the use of the existing building.

8. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all 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 unnecessary damage to the existing trees and hedges does not occur.

9. Prior to the commencement of any development on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site and all boundary hedges, must be retained and protected during the construction phase. 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. Under no circumstances shall any activities (including the storage of materials) encroach into the root protection areas or under the canopy of the adjacent oak tree.

Reason: In order to ensure that unnecessary damage to the existing trees and hedges does not occur.

10. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

11. Prior to the commencement of the development, details of two replacement specimen trees within the garden

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area shall be submitted for the written agreement of the Council as Planning Authority. The approved details shall thereafter be implemented in full within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. In the event that either of the trees fail to become established within five years, they must be replaced in the following planting season by a tree of a similar size and species.

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

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

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

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- 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. Trees and scrubs 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.
 5. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
 6. There is currently sufficient capacity in the Coupar Angus Waste Water Treatment Works. However, the applicant should be aware that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water for connection consent.
 7. This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow Scottish Water to fully appraise the proposals, that the applicant should complete a Pre Development Enquiry (PDE) Form and submit it directly to Scottish Water. The applicant can download a copy of Scottish Water's PDE Application Form, and other useful guides from Scottish Water's website at the following link:
www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application
 8. This is approval of your application Ref no 19/00090/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 19/01429/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.

THERE FOLLOWED A 15 MINUTE RECESS FOLLOWING WHICH THE COMMITTEE RECONVENED.

COUNCILLORS BAND AND DRYSDALE LEFT THE MEETING AT THIS POINT.

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(2)(ii) 19/01084/FLL - LESLIE - Erection of 2 camping pods, formation of hardstanding, vehicular access and associated works, Land South West of Liathach, Leslie – Report 19/270 – Mr D Veitch

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. Prior to the commencement of the development hereby approved, a noise management plan shall be submitted to the Council as Planning Authority for written approval. Thereafter, the plan as agreed shall be implemented in full for the life of the development to the satisfaction of the Council as Planning Authority.
Reason: In order to safeguard the neighbouring residential amenity in the area.
3. Prior to the development hereby approved being completed or brought into use, the car parking and turning facilities shown on the approved drawings shall be implemented and thereafter retained to the satisfaction of the Council as Planning Authority.
Reason: In the interests of road safety; to ensure the provision of adequate turning facilities and off-street car parking facilities.
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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason: In order to safeguard the neighbouring residential amenity in the area.
5. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
Reason: In order to control and restrict the use of the pods.

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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 should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
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 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.
9. The applicant is advised that the granting of planning permission does not guarantee right of access to the site.

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- This should be agreed with the relevant landowner(s) prior to the commencement of the development.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
 11. The site will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It is therefore necessary for a caravan site licence to be obtained for the site before the pods were first brought into use and the site would need to comply with the caravan model standards for holiday use.

PRIOR TO THE CONSIDERATION OF APPLICATIONS 19/01096/FLL AND 19/00818/CON THE COMMITTEE AGREED TO HEAR COMBINED DEPUTATIONS RELATING TO BOTH APPLICATIONS.

Mr G Mullen, objector, followed by Mr N Gray, agent on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

(2)(iii) 19/01096/FLL - KINROSS - Complete demolition of buildings, erection of 2 dwellinghouses, 4 flats and associated works (in part retrospect), Kirklands Garage, 10 High Street, Kinross, KY13 8AW – Report 19/271 –

Motion (Councillors R McCall and H Anderson)

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 document.
2. **Prior to the re-commencement of development, detailed plans of the proposed new Manse building**

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(Houses 1 & 2) at a scale of 1:20 shall be submitted for the approval of the Planning Authority. These plans shall provide details of the proposed architectural features such as the cornicing, window surroundings, door surrounds and quoins.

Thereafter, the building shall be constructed in accordance with the approved plans 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.

- 3. Prior to the re-commencement of development, plans showing the detailed construction of the proposed windows on the façade Houses 1 and 2 shall be submitted for the approval of the Council as Planning Authority. For the avoidance of doubt the windows shall be of a timber sliding sash and case construction. Thereafter, the windows shall be constructed and installed in accordance with the approved plans 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.

- 4. Prior to the re-commencement of development a sample board of the proposed stonework to be used in the construction of the façade of the Manse building (Houses 1 & 2) shall be made available on site for the review and approval of the Council as Planning Authority. The sample board is required to demonstrate the stone type, coursing and mortar jointing. Thereafter, the approved stonework shall be used in the construction of the building in accordance with the approved plans 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.

- 5. The reconstruction of the Manse building (Houses 1 & 2) shall be completed to the satisfaction of the Council as Planning Authority prior to the occupation of any of the Units 3, 4, 5 or 6.**

Reason: In the interests of visual amenity; to ensure that the principal building at the frontage of the site is reinstated and completed at the earliest opportunity.

- 6. Prior to the re-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**

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agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 7. Prior to the re-commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).**

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

- 8. Development shall not re-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.**

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

- 9. Development shall not re-commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall be undertaken to identify;**
- The nature, extent and type(s) of contamination on the site.**
 - Measures to treat/remove contamination to ensure the site is fit for the use proposed.**
 - Measures to deal with contamination during construction works.**
 - Condition of the site on completion of decontamination measures.**

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be

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submitted to the Council as Planning Authority and approved in writing.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

10. Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawing ref 19/01096/18 shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

11. Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawing ref 19/01096/18 shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

12. Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawing ref 19/01096/18 shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

13. Prior to the development hereby approved being completed or brought into use, the cycle parking facilities shown on the approved drawing ref 19/01096/18 for Units 3, 4, 5 and 6 shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

14. The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

15. The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the

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upper level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

16. The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.

Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

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. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
3. 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
4. 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.
5. The applicant is advised that in terms of Sections 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

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Scottish Water and the Scottish Environmental Protection Agency.

6. **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.**
7. **This is approval of your application Ref no 19/01096/FLL for Planning Permission only. It does not include any approval for your related Conservation Area Consent Ref no 19/000818/CON.**
8. **There is a Section 75 legal obligation associated with this planning permission, which relates to the payment of both education and affordable housing contributions. A copy is available to view on the Council's Public Access portal.**

Amendment (Councillors W Wilson and M Barnacle)

Refuse, as the proposal is:

- (i) contrary to the Perth and Kinross Local Development Plan 2014, Policies PM1A and PM1B(c) as it does not respect the character and amenity of the place, and does not complement its surroundings, as the proposed rear flatted building is an overdevelopment of the site, and due to the cluttered nature of design.
- (ii) contrary to the Perth and Kinross Local Development Plan 2014, Policy HE3A as the proposal does not preserve or enhance the character or appearance of Kinross Conservation Area as the proposed rear flatted building is an overdevelopment of the site, and due to the cluttered nature of design.

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

6 members voted for the Motion as follows:

Councillors H Anderson, B Brawn, T Gray, D Illingworth, R McCall and M Williamson.

3 members voted for the Amendment as follows:

Councillors C Ahern, M Barnacle and W Wilson.

Resolved:

In accordance with the Motion.

COUNCILLOR BARNACLE LEFT THE MEETING AT THIS POINT.

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(2)(iv) 19/00818/CON - KINROSS - Demolition of buildings (in retrospect), Kirklands Garage, 10 High Street, Kinross, KY13 8AW – Report 19/272 – Kirklands Development Group

Resolved:

Grant, subject to the following:

Justification

Taking account of the supporting information sufficient justification has been provided to demolish the Manse. With mitigation measures being deployed under the application dealing with the redevelopment of the site, the proposal is not considered to have a detrimental impact on Kinross Conservation Area and there is no conflict with the Local Development Plan as well as supplementary planning guidance.

Informatives

This is approval of your application Ref no 19/00818/CON for Conservation Area Consent only. It does not include any approval for your related planning application Ref no 19/01096/FLL.

COUNCILLOR WILSON REQUESTED THAT HIS DISSENT TO THE DECISION TAKEN BE RECORDED.

(3) Proposal of Application Notice (PAN)

(3)(i) 19/00005/PAN - AUCHTERARDER - Erection of 196 holiday lodges, hub buildings, landscaping, open space, vehicular access, parking area and associated works at land at East Third Farm, Auchterarder – Report 19/273 –

Councillor Wilson requested that road safety be taken into consideration.

Councillor Gray requested that consideration be given to the prime agricultural land aspect of the proposal.

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

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