

# PLANNING AND PLACEMAKING COMMITTEE

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

Present: Councillors I Massie and G Stewart, Bailies C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, D Illingworth, I James, S McCole, I MacPherson, C Reid and R Watters.

In Attendance: L Maclean, L Reid, K Smith and P Williamson (all Communities); A Brown, G Fogg, J Guild and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors K Harvey and B Leishman.

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

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

## 2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

## 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 12 July 2023, be approved.

## 4. APPLICATIONS FOR DETERMINATION

### (1) Local Application

- (i) **23/00387/FLL – Erection of a dwellinghouse and garage, land to the south of 17 Netherlea, Scone**

#### **Motion (Councillor I Massie and Bailie M Williamson)**

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

#### **General**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland)

Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

3. 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 or as specified within the Tree Protection and Compensatory Planting Plan dated 30th June 2023 by BNTW-Scotland (plan ref 09). Prior to the commencement of any works on site the council shall be advised that tree protection measures are in place either by the submission of photographs or confirmed by site visit. Protection measures, once in place, shall remain in place for the duration of construction.

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 development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
  - a. the technology types;
  - b. illustrate, through technical calculations, that these will meet at least the 10% reduction;
  - c. their siting and location; and
  - d. ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason – To ensure the proposal complies with Policy 32.

5. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning

Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- 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
- IV. 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 submitted to the Council as Planning Authority.

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

6. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. 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 the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

7. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) 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 to ensure that access for emergency service vehicles are not impeded; and
  - d. details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

- Reason – In the interest of proper site management.
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 B Figure 5.6 access detail, of Type A Road construction detail.
- Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

### **Procedural Notes**

1. Permission shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application, or an alternative arrangement to secure payment of developer contributions. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any

neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

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.
7. 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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.

Amendment (Councillor H Anderson)

Refuse, as the proposal is contrary to Policies 1A, 1B and 17 of the Perth and Kinross Local Development Plan 2 (2019) due to the appearance of the proposed property which is not in keeping with the local area.

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

**Resolved:**

In accordance with the Motion.

**5. PROPOSAL OF APPLICATION NOTICE (PAN)**

- (i) **23/00009/PAN – Formation of an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, security and deer fencing, landscaping and associated works on land at Green Burn Wind Farm, Bridge of Cally**

Bailie Williamson requested due consideration be given to connection to the national grid and security lighting around the site.

Councillor Brawn requested due consideration be given to fire risk and access for emergency vehicles.

Councillor Reid requested due consideration be given to consultation with the Scottish Fire and Rescue Service.

Councillor James requested due consideration be given to access for emergency vehicles, particularly in winter conditions, and visual impact on the surrounding landscape.