

# 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 10 April 2024 at 9.30am.

Present: Councillors I Massie, G Stewart, Bailie C Ahern (substituting for Councillor B Brawn), K Allan, Bailie R Brock (substituting for Councillor D Cuthbert), K Harvey, D Illingworth, I James, Bailie C McLaren, B Leishman, C Reid, R Watters and Bailie M Williamson.

In Attendance: A Baxter, D Littlejohn, L MacLean, S Panton, L Reid, K Smith and P Williamson (all Economy, Place and Learning); A Brown, S Dockerill, G Fogg, J Guild and (all Strategy, People and Resources).

Apologies: Councillors B Brawn and D Cuthbert.

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

## 2. DECLARATIONS OF INTEREST

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

## 3. MINUTES

It was noted that the minute of meeting of the Planning and Placemaking Committee of 13 March 2024 would be brought to the next meeting for approval.

## 4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

<b>Planning Application No.</b>	<b>Item No.</b>
23/01255/FLL	5(1)(i)
22/01868/FLL	5(1)(ii)
24/00043/FLL	5(1)(iii)

## 5. APPLICATIONS FOR DETERMINATION

### (1) Local Applications

- (i) **23/01255/FLL - Siting of mobile crushing and screening plant (for a temporary period), Newtyle Farm, Dunkeld, PH8 0HZ (Report No. 24/109)**

Mr K Smith introduced the report and provided the following updates:

- Paragraph 51 – the word “insert” should read “inert”
- The final sentence of Paragraph 66 is incomplete but the issue is no longer relevant.

Mr A Wylie and Dr J Wigzell, on behalf of Dunkeld and Birnam Community Council, objectors, followed by Mr W Booth agent on behalf of the applicant, addressed the Committee and answered Members questions.

In terms of Standing Order 19.9 Councillor G Laing addressed the Committee and took part in questions to Officers.

**Resolved:**

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

**Conditions**

1. Permission is hereby granted for a limited period of 2 years from the lawful commencement of development. Prior to the end of this 2-year period, the use of the approved plant and machinery shall cease, and all associated equipment removed from the site.  
Reason - In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.
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. Noise from any plant and machinery associated with this development shall be controlled so that noise levels do not exceed 55dB LAeq, 1 hour (free field) at any adjacent dwellinghouse.  
Reason - To ensure a satisfactory standard of local environmental quality.
4. Prior to the commencement of the development hereby approved, confirmation of the model of both crusher and screener shall be submitted to and approved in writing by the Council as Planning Authority. Any change from the approved model(s) shall be approved in writing with the Council before being brought into site. All plant and equipment shall thereafter be operated and maintained according to the manufacturer's recommendations. This includes all necessary servicing and the provision of satisfactory exhaust systems to ensure that noise emissions are minimised. Records regarding all services and modifications made to all plant and equipment shall

be kept on site and shall be available for inspection by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality.

5. The hours of operation of the plant and equipment hereby approved shall be limited to 0700 hours to 1900 hours Monday to Friday and 0800 to 1300 on Saturdays, with no operation on Sunday.

Reason - To ensure a satisfactory standard of local environmental quality.

6. Prior to the commencement of the development hereby approved, a Dust Management Plan must be submitted to and approved in writing by the Council as Planning Authority. The plan must include adequate precautions to ensure that at all times and at all stages of the process (including reinstatement), dust generation on the site and outwith, is minimised by implementing agreed dust prevention measures e.g. wheel washing facilities. The plan shall also provide details of future monitoring and reporting on the successfulness of the plan. The approved plan shall thereafter be implemented in full.

Reason - To ensure a satisfactory standard of local environmental quality

#### **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. 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. Please use the form attached herewith.
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. Please use the form attached herewith.

THERE FOLLOWED A 10 MINUTE RECESS AND THE COMMITTEE RECONVENED

(ii) **22/01868/FLL - Change of use, alterations and extension to workshop to form dwellinghouse, Rowan, Garth, Fortingall (Report No. 24/110)**

Ms S Dolan-Betney, Glenlyon and Loch Tay Community Council (via telephone) and Ms J Polakowska, objectors, followed by Mr D Sturrock and Ms K McQueen, agents on behalf of the applicant, accompanied by Mr J Brown, applicant, addressed the Committee and answered Members questions. A statement was also read out by the Clerk on behalf of Mr T Young, objector.

Motion (Baillie M Williamson and Councillor R Watters)

Refuse, on the grounds that the Mansard roof design is not of a traditional Scottish approach and is therefore contrary to Local Development Plan 2 (2019) Policies 1A and 1B: Placemaking and Policy 17: Residential Areas.

Amendment (Councillors I James and D Illingworth)

**Grant**, subject to the following terms, 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. 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.
3. Prior to the commencement of the development hereby approved, an evaluation for the potential of the site to be affected by contamination by a previous use, which includes as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) shall be submitted to and approved in writing 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 approved by the Council as Planning Authority. Verification that the scheme has been fully implemented must be submitted to and approved in writing by the Council as Planning Authority.

Reason - In order to ensure the site is fit for the residential use proposed.

- 4. The mitigation and recommendations contained in the Bat and nesting bird survey, approved as Plan no 17 shall be implemented in full during the construction phase and on completion of the development. For the avoidance of doubt, a minimal of 2 bird nesting boxes shall be installed within the curtilage of the site, and shall be sited and installed in line with the guidance of the Scottish Wildlife Trust.

Reason - In order to ensure that all bio-diversity interests are suitability addressed.

- 5. The rooflights on the east elevation serving the master bedroom and en-suite of Bedroom 3 shall either be frosted, obscure or opaque glass in perpetuity.

Reason - In order to protect existing residential amenity.

### **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. 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. Please use the form attached herewith.
- 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. Please use the form attached herewith.

In terms of Standing Order 21.5 a roll call vote was taken.

3 members voted for the Motion as follows:

Councillors C Reid, R Watters and Bailie M Williamson

10 members voted for the Amendment as follows:

Bailie C Ahern, Councillor K Allan, Bailie R Brock, Councillors K Harvey, D Illingworth, I James, B Leishman, I Massie, Bailie C McLaren and Councillor G Stewart.

**Resolved:**

In accordance with the Amendment.

**(iii) 24/00043/FLL - Erection of a dwellinghouse and associated work, land 50 metres west of Ruchilside Farm, Comrie, Crieff (Report No. 24/111)**

Ms S Waldron, objector, followed by Mr M Wallace, applicant, addressed the Committee and answered members questions.

In terms of Standing Order 19.9 Councillor S Donaldson addressed the Committee and took part in questions to Officers.

**Resolved:**

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

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 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 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.
4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall

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

5. 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 visual amenity; to ensure a satisfactory standard of local environmental quality.

6. 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; and
- 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.

7. 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 LDP2 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development.

8. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted to and approved in writing by the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

9. The core path which forms part of the access track to the site shall not be obstructed during building works or on completion. Any damage done to the core path and associated signage during building works shall be made good before occupation of the dwellinghouse. Any temporary restrictions to public access required to facilitate works on site must be agreed and approved in writing first with the Access Officer.

Reason - In the interests of public access along the core path.

10. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason - In order to take account of the flood risk from the adjacent watercourse.

11. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, two bird nesting boxes shall be provided on the completed building or nearby trees. Thereafter, the agreed scheme



shall be maintained in a reasonable condition for the life of the development.

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

### **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. 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. Please use the form attached herewith.
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. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant should take note of the information and advice contained within the consultation response from the Scottish Environment Protection Agency (SEPA).
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).
8. 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.

## 6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **23/00019/PAN - Mixed use development comprising residential, self-build plots, commercial use workshops, associated infrastructure including access, draining and landscaping, land 165 metres south west of Haughend Farm, Dunkeld (Report No. 24/112)**

Councillor D Illingworth requested due consideration be given to the long term maintenance of SUDS ponds.

Bailie C McLaren requested due consideration be given to the scale, design and layout in relationship to nearby lands, transport implications and the tourism and economy benefits.

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.

- (ii) **24/00001/PAN - Formation of 400kV substation comprising erection of ancillary buildings, hardstanding, plan and machinery access laydown/work compound area(s) and associated works, Shindour, Feddal Hill Wood, Braco (Report No. 24/113)**

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.