

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
1 AUGUST 2018

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 1 August 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, B Band, H Coates, T Gray, I James, W Robertson (substituting for W Wilson) and L Simpson.

In Attendance: A Condliffe, D Niven, L Reid, D Salman, C Stewart and R Stewart (all Housing and Environment); G Fogg, D Williams and S Richards (all Corporate and Democratic Services).

Apologies: Councillors H Anderson, M Barnacle, E Drysdale, A Jarvis, R Watters and W Wilson.

Councillor R McCall, Convener, Presiding.

### **427. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting, and apologies and substitutions were noted as above.

### **428. DECLARATIONS OF INTEREST**

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

### **429. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 4 July 2018 (Arts. 407-413) was submitted, approved as a correct record and authorised for signature.

### **430. DEPUTATIONS**

In terms of Standing Order 72, the Committee agreed to hear a deputation in relation to the following planning application:

Planning Application No.  
18/00719/FLL

Art. No.  
431(2)(i)

**431. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 18/00395/MWM - BANKFOOT - Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period, land south of Loak Farm, near Bankfoot – Report 18/239 – Breedon Northern Limited**

Prior to consideration of the item, A Condliffe, Interim Development Quality Manager, informed members that if they were minded to approve the application, Condition 29 of Report 18/239 would be replaced with the Legal Agreement and relevant Procedural Note listed below.

**Resolved:**

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. All sand and gravel extraction within the site shall be completed within 3 years of the commencement of development (as indicated on the 'Notice of Initiation of Development').  
Reason - In accordance with the terms of the application and in order for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.
3. The total volume of sand and gravel extracted from the mine shall not exceed 400,000 tonnes. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.  
Reason - To ensure that all associated mine operations do not exceed maximum volumes of extraction assessed and ensuring a satisfactory standard of local environmental quality is maintained.
4. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of area and depth of working, as shown on the plans herewith approved. No deviations shall be permitted.

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Reason - In the interests of visual and residential amenity.

5. Two months prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage. Such details shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity

6. Restoration shall be fully implemented within twelve months of the completion of extraction and shall be in accordance with the submitted restoration scheme to be approved under Condition 7 below and shall thereafter be maintained to the satisfaction of the Planning Authority.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

7. With 6 months of the date of this consent, an updated restoration scheme shall be submitted to and be approved in writing by the Planning Authority. Thereafter the approved restoration scheme shall be implemented in full.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

8. Prior to the commencement of restoration of the site a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason - To ensure that final contours, an updated restoration plan and an updated aftercare plan for the site are adopted prior to the site ceasing operation thereby ensuring the site is capable of beneficial after use and to minimise adverse impacts on the landscape, nature conservation and amenity of the surrounding area (due to the intervening time period).

9. Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays. No operations permitted on Sundays.

Reason - In the interests of residential amenity.

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10. All vehicles, plant and machinery shall operate only during the permitted hours of operation, and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.  
Reason - In the interests of residential amenity.
11. Only the plant machinery and equipment specified in the noise assessment submitted with this application (or similar plant which generates no greater sound power levels) shall be used.  
Reason - In the interests of residential amenity.
12. If any aspects of the operation results in justified complaints the applicant shall, if required by the Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Planning Authority.  
Reason - In the interests of residential amenity.
13. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits (except during temporary operations as stipulated in condition below)
- |                              |  |
|------------------------------|--|
| Loak Farm                    | L <sub>Aeq</sub> , 1 Hour 45 dB (free field) |
| Jackstone Steadings and Farm | L <sub>Aeq</sub> , 1 Hour 45 dB (free field) |
| Watermill Cottage            | L <sub>Aeq</sub> , 1 Hour 45 dB (free field) |
| House of Nairne              | L <sub>Aeq</sub> , 1 Hour 45 dB (free field) |
| Kilburn                      | L <sub>Aeq</sub> , 1 Hour 45 dB (free field) |
| Barn House, East Mains       | L <sub>Aeq</sub> , 1 Hour 55 dB (free field) |
| Holm Cottage, East Mains     | L <sub>Aeq</sub> , 1 Hour 55 dB (free field) |
| Anvil Cottage, East Mains    | L <sub>Aeq</sub> , 1 Hour 55 dB (free field) |
| Westwood Farm                | L <sub>Aeq</sub> , 1 Hour 55 dB (free field) |
- \* Where there is more than one property at the above sites noise limits apply to all properties at that location  
Reason - In the interests of residential amenity.
14. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB L<sub>Aeq</sub>, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Planning Authority. Perth and Kinross Council (Environmental Health) and all neighbouring noise sensitive dwellings shall be advised in advance of the aforementioned activities detailing the timings, actual

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activities to be undertaken and any additional noise mitigation measures.

Reason - In the interests of residential amenity.

15. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of residential amenity.

16. Wheel cleaning facilities shall be provided at the exits from the site for the entire duration of operations and restoration. All vehicles leaving the site will be required to use these facilities.

Reason- To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

17. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason - In the interests of residential amenity.

18. No blasting shall take place on the site.

Reason - In the interests of residential amenity.

19. Prior to the development commencing a Traffic Management Plan (TMP) shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland and the successful contractor for the A9 Luncarty to Pass of Birnam dualling scheme. The TMP will subsequently become part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason – To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

20. No part of the access road from the borrow pit shall extend beyond the parallel road to the west of the existing A9 until this is demonstrated to be necessary to allow the movement of material from the borrow pit to the works for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason – To minimise interference with the safety and free flow of the traffic on the trunk road.

21. Prior to the development commencing detailed drawings of any link road, permitted as part of the Traffic Management Plan, between the parallel road to the west of the A9 and the existing A9 carriageway shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland and the successful

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contractor for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason – To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme; To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

22. The detailed drawings shall show the construction and alignment of the link road and the connection to the existing A9. Any permitted junction shall be designed to prevent right turns to and from the link road to the existing A9.

Reason – To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

23. Prior to the development commencing the timing of any works necessary to allow the movement of material from the borrow pit to the dualling works for the Luncarty to Pass of Birnam dualling scheme, shall be agreed with the successful contractor.

Reason – To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

24. No works necessary to allow the movement of material from the borrow pit to the dualling works for the A9 Luncarty to Pass of Birnam dualling scheme, shall be undertaken without the approval of the successful contractor.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road.

25. The use of the borrow pit shall cease on the completion of the A9 Luncarty to Pass of Birnam dualling Scheme.

Reason - To restrict the use of the borrow pit to the duration of the contraction for the A 9 Luncarty to Pass of Birnam dualling scheme.

26. The development should not adversely impact public access particularly on core path AGVN/115 which must remain safely available for public access throughout construction and on completion. Any damage to the core path must be reinstated prior to completion.

Reason - To protect an existing core path.

27. Development shall not commence until the developer has secured the implementation of a programme of

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archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the 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 protect known and potential archaeology in area.

28. Prior to the commencement of the development hereby approved, protective fencing shall be erected around MPK 2337 and along southern red line boundary at SM1562 and SM1524, and in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason – To protect known archaeology and Scheduled Monuments in area.

It is anticipated that a Section 75 agreement will be required in order to adequately secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

### **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

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

3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 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. In accordance with 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.
4. 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.
5. The operation of this site will need to be licenced under SEPAs Pollution Prevention and Control (PPC) Certification as activities involve road stone coating and crushing and the cement batching.

**PROCEDURAL NOTES**

Consent shall not be issued until a Section 75 Agreement is in place to enable a financial guarantee to secure delivery of site restoration over the associated lifetime of the development. The legal agreement should be concluded and registered within 4 months of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed.

This agreement shall include

- i) the maximum sum required;
- ii) details of the financial guarantee which can either be by way of an ESCROW facility, restoration bond or bank guarantee.

**(2) Major Applications**

- (i) **18/00719/FLL – BIRNAM – Installation of underground tank and replacement of forecourt lighting (in retrospect), Youngs Garage, Perth Road, Birnam – Report 18/240 – Breedon Northern Limited**

Mr N Douglas and Mr N Turner, objectors to the application, Councillor G Laing, Local Member speaking in objection, followed by Mr S Reilly and Mr B Worrall, representing the



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applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors L Simpson and I James) – Grant subject to the terms, conditions and informatives outlined in Report 18/240, but with Condition 1 amended to read;

1. The hours of operation of the external lighting (apart from lighting on the pay terminal) shall be restricted to between 07:00 and 22:00 hours.

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

**Amendment (Councillors H Coates and T Gray) – Grant, subject to the following terms, conditions and informatives:**

**Conditions**

1. The hours of operation of the external lighting (apart from lighting on the pay terminal) shall be restricted to between 07:00 and 23:00 hours.

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

2. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that conforms to requirements to meet the Obtrusive Light Limitations for exterior Lighting Installations for Environmental Zone –E2 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason - In the interests of residential amenity; 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.

In accordance with Standing Order 58 a roll call vote was taken.

4 members voted for the Motion as follows:

Councillors B Band, B Brawn, I James and L Simpson.

4 members voted for the Amendment as follows:

Councillors H Coates, T Gray, R McCall and W Robertson.

In accordance with Standing Order 56 the Convener exercised a casting vote in accordance with the Amendment.

**Resolved:**

In accordance with the Amendment.

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**(3) Proposal of Application Notice (PAN)**

**(i) 18/00005/PAN - SCONE - Residential development, Wheel Inn, 37 Angus Road, Scone – Report 18/241**

Councillor L Simpson requested that it be recognised that the site is a community facility, with the car park used for numerous reasons.

Members noted the issues identified by the Interim Head of Planning's report.

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