

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 13 August 2014 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, P Barrett (substituting for Councillor A Gaunt), I Campbell, D Cuthbert, C Gillies, J Kellas, A Livingstone, M Lyle and G Walker.

In Attendance: N Brian, A Condliffe, J Thomson, K Steven and M Barr (all The Environment Service); C Elliott, Y Oliver and S Bywalec (all Chief Executive's Service).

Apologies: Councillors A Gaunt and J Giacomazzi

Councillor T Gray, Convener, Presiding.

### **536. WELCOME AND APOLOGIES**

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

### **537. DECLARATIONS OF INTEREST**

Councillor A Livingstone declared a non-financial interest in Art. 540(1)(ii) in terms of the Councillors' Code of Conduct.

### **538. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 16 July 2014 (Arts.515-519) was submitted, approved as a correct record and authorised for signature.

### **539. DEPUTATIONS**

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No
13/02339/FLL	540(1)(i)
14/00478/FLL	540(1)(ii)
14/00792/FLL	540(1)(iii)
14/00975/FLL	540(1)(v)

**540. APPLICATIONS FOR DETERMINATION**

**(1) Local Applications**

- (i) 13/02339/FLL – BLACKFORD – Alterations and change of use from retail units to warehouse and bottling line at Eaglesgate Retail Village, Moray Street, Blackford – Report 14/321 – Spirits Development & Management Company (SDMC) Limited**

A Condliffe, Applications Team Leader, requested the Committee that, should they be minded to approve the application, an additional Condition 10 be inserted.

M Myles, agent on behalf of the applicant, addressed the Committee and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and informatives and an additional Condition 10 as undernoted:

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.
2. Prior to the occupation and use of the approved development a Traffic Management Plan (TMP) shall be put in place that will control traffic movements into and out of the site. The TMP should show the level of HGV traffic that the site is expected to generate and the means of mitigating their impact on the wider transport network within the vicinity of the site. The TMP should also try to co-ordinate their ideas with other major traffic generators within the immediate vicinity of the site. The plan shall be submitted in writing for the prior approval of the Council as Roads Authority, to the satisfaction of the Planning Authority.
3. Prior to the occupation or use of the development all existing retail signage shall be removed from the building, to the satisfaction of the Council as Planning Authority.
4. There shall be no servicing of the site between the hours of 22.00hrs and 08.00hrs, daily.
5. The operating hours of the bottling plant shall be limited to 08.00 to 19.00 Monday – Friday.
6. No external plant equipment shall be installed without prior approval of the Council as Planning Authority.
7. All entrances into the building are to remain closed at all times unless loading and unloading to delivery vehicles is underway.
8. Noise levels arising from this development shall be limited to a rating level of 48dB at any noise sensitive property when measured in accordance with

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

BS4142:1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

9. All external lighting to be installed 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. All to the prior approval in writing by this Council as Planning Authority.
10. The applicant shall liaise with the Operating Company of the Trunk Road regarding the removal of the existing signs to the retail park which are within the Trunk Road boundary. The cost of this work shall be borne by the applicant.

**Justification**

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

**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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be aware that there may be a requirement to seek an amendment to the existing Section 75 legal Agreement.

*COUNCILLOR A LIVINGSTONE, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT AND TOOK NO PART IN THE DISCUSSION AND DELIBERATION THEREOF.*

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

(ii) **14/00478/FLL – GLENALMOND – Erection of two wind turbines at Drummick Farm, Glenalmond, Perth – Report 14/322 – Clearwinds Ltd**

N Brian, Development Quality Manager, requested the Committee that, should they be minded to approve the application, Condition 4 be amended and an additional Condition 20 be added:

Ms A Ellis, agent on behalf of the applicant and Mr J Hughes, on behalf of the Sma' Glen Protection Group 2, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and informatives with an amended Condition 4 and an additional Condition 20, as undernoted.

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Within six months of the wind turbines being decommissioned the owner shall remove the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Council as Planning Authority.
3. Notwithstanding the terms of Condition 2, the turbines shall be decommissioned by the owner and all associated plant and equipment removed and the site reinstated to its pre-development condition, to the satisfaction of the Council as Planning Authority, within 25 years from the date of the planning consent.
4. Noise arising from the wind turbines shall not exceed an L A90, 10 min of 35 dB at the nearest noise sensitive premises (other than those with a financial interest in the proposal) at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event of that audible tones are generated by the wind turbines, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.
5. Noise arising from the wind turbines shall not exceed an L A90, 10 min of 45 dB at the nearest noise sensitive premises with a financial interest in the development, at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event that audible tones are generated by the wind

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

turbines, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.

6. At the request of the Council and following a complaint relating to noise from the wind turbines the operator of the development shall, at its expense, employ an independent consultant approved by the Council to measure and assess (carried out in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)) the level of noise emissions from the wind turbines.
7. Prior to the commencement of works, where deemed necessary, by the Council as Planning Authority the public road shall be improved by means of passing places/strip widening and junction improvements at locations to be agreed with the Council as Roads Authority. All works shall be carried out to the standard and specification required by the Council as Roads Authority to the satisfaction of the Council as Planning Authority.
8. 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 (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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) 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;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) 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;
  - (i) details of information signs to inform other road users of construction traffic;

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - (k) co-ordination with other major commercial users known to use roads affected by construction traffic;
  - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
  - (n) monitoring, reporting and implementation arrangements; and
  - (o) 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.
9. A detailed Construction Method Statement (CMS) must be submitted prior to any development commencing. The CMS must include pollution prevention, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing of the construction, all to the satisfaction of the Council as Planning Authority. The approved CMS shall be implemented in full, to the satisfaction of the Council as Planning Authority.
  10. Prior to the commencement of any development on site, precise details of any red obstacle lighting must be submitted to the Council as Planning Authority.
  11. Prior to the commencement of any development on site precise colour details of the turbine components shall be submitted for the approval in writing by the Council as Planning Authority. The approved colour scheme shall be implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.
  12. In the event that the turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbines shall be disconnected until the problem has been investigated and resolved, to the satisfaction of the Council as Planning Authority.
  13. Prior to the commencement of any development on site precise details of the means of grid connection shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
  14. Prior to the commencement of any development, precise details of the size and location of any proposed electricity transformer(s) or other permanent structures directly associated with the development, shall be submitted for the approval in writing by the Council as Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

15. Prior to the commencement of any development precise details of any borrow pit(s) shall be submitted for the approval in writing by the Council as Planning Authority. In addition, at the same time, precise working details of the borrow pit shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
16. Any material extracted from a borrow pit shall be used solely on site to enable this development, to the satisfaction of the Council as Planning Authority.
17. No advertisements or signage shall be attached or displayed on any part of the turbine.
18. The turbines shall not be illuminated in any way, with the exception of any aviation lighting that has been approved under Condition 10.
19. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
20. If either wind turbine generator hereby permitted ceases to export electricity to the grid for a continuous period of six months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within six months of the end of that six month period for removal of that turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the relevant turbine and associated above ground works approved under this permission and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable to the satisfaction of the Planning Authority.

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which merit refusing the planning application.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

**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. 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 106 Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
  - a. Displayed in a prominent place at or in the vicinity of the site of the development
  - b. Readily visible to the public.
  - c. Printed on durable material.
5. Prior to the commencement of the development, the applicant must inform the Ministry of Defence (Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL) of the following information.
  - The date that construction will start and end.
  - The maximum height of construction equipment.
  - The precise latitude and longitude of the position of the proposed turbine and the construction equipment.
6. The applicant should be aware that if any proposed borrow pit is outwith the RED line application site then the borrow pit may require a separate planning permission.
7. The applicant is 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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

- at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. For the avoidance of doubt, any material change in the appearance of the turbine (i.e. a modification to a different number of blades) will not be approved as part of this consent.
  9. 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.

*COUNCILLOR LIVINGSTONE RETURNED TO THE CHAMBERS AT THIS POINT*

**(iii) 14/00792/FLL – AUCHTERARDER – Temporary change of use from agricultural land to caravan/campsite at Islabank, Auchterarder – Report 14/323 – J N Fenton Farms**

Mr N Fenton, applicant, and Ms K Miller, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors J Kellas and A Livingstone) – Grant, subject to the following conditions and informatives and an additional Condition 9, as undernoted:**

1. **Planning consent is hereby granted for a temporary period from 24 September to 30 September 2014 for caravan and camping use on the site. After 30 September 2014 caravan and camping use on the site shall cease and any ancillary structures and fencing shall be removed and the site cleared within 14 days of this date and the land shall revert back to agricultural use, all to the satisfaction of the Planning Authority.**
2. **Prior to the occupation of the site on 24 September 2014 the applicant shall upgrade the site access geometrically to accommodate vehicles and towed caravans and visibility shall be improved with the cutting back of roadside vegetation in consultation with and for the approval of the Council as Roads Authority.**
3. **Prior to the occupation of the site on 24 September 2014 the applicant shall submit in writing a formal Traffic Management Plan (TMP) in consultation with and for the approval of the Council as Roads Authority. The TMP shall include measures to be put in place to ensure that traffic is routed to and from the site to the east, as the section of road to the west is not suitable for the approved development. The TMP shall include details of the travel arrangements to and from the site to the Ryder Cup in accordance**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

with the agreed travel protocol for the event. The approved Traffic Management Plan measures shall be implemented prior to occupation of the site.

4. No caravans or tents shall be sited in field parcels 1 and 3 as indicated on drawing number 14/00792/4 to the north of the site.
5. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
6. No works in relation to the approved development likely to disturb ground nesting birds should take place before the 31 August 2014, in consultation with and to the satisfaction of the Planning Authority.
7. No lighting associated with the approved development shall be directed towards trees on or adjacent to the site, particularly along the west boundary by the Dalry Burn due to the likelihood of bats roosting or foraging in this area, to the satisfaction of the Planning Authority.
8. All toilet/washing and waste disposal facilities and any other temporary structures required for the development shall be located on the existing hardstanding area and full details of the extent and position of the toilet/washing and waste disposal facilities and temporary structures shall be submitted for the prior approval in writing of the Planning Authority.
9. No engineering works, including the formation of hardstandings, shall be undertaken on the site unless with the prior agreement in writing by this Council as Planning Authority.

**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. 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.

2. If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.

The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

3. The applicant shall consult with SEPA to confirm the requirements for any private waste water treatment provisions and licensing under the CAR Regulations.

4. The applicant should be advised that a revised caravan site licence may be required in terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to Environmental Health if planning consent is given. In order for a site licence to be issued the site must meet the following guidance.

#### ***Site Boundaries***

- a. The site boundary shall be clearly discernible on the ground by fencing or as otherwise defined to the satisfaction of the Licensing Authority. The minimum distance between any caravan and the site boundary shall not be less than 3 metres.

#### ***Carriageways and Footpaths***

- b. The site should be designed to provide access for fire appliances. Where practicable no caravan standing or toilet block should be more than 90 metres from a road; and common buildings and facilities should be connected to a road by a footpath of at least 0.75 metres wide and with a hard surface. Roads should be not less than 3.7 metres wide. Carriageways must be adequately surfaced to carry vehicles up to 11.2 tonnes which may be permitted to use the site. Adequate turning space shall be

**provided at the end of a cul-de-sac. Gateways shall be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. There shall be no overhead cables less than 4.5 metres above the ground across roads. Warning notices regarding overhead electric lines should be displayed at the site entrance and on the supports for the lines. Emergency vehicle routes within the site must be kept clear of obstruction at all times**

***Car Parking***

- c. One car only may be parked between adjoining caravans provided that the doors to the caravan are not obstructed. Suitably surfaced parking spaces should be provided to meet the additional requirements of visitors.**

**No parking area which provides for more than 10 cars shall be nearer than 18 metres from any part of any caravan. Car parks provided for 10 cars or fewer shall be a minimum distance of 10 metres from any part of any caravan.**

***Water Supply***

- d. A water supply complying with the appropriate British Standard and Scottish Water Byelaws currently in force, or where applicable the Private Water Supply (Scotland) Regulations 2006, shall be provided on the site. Water supply to caravans and supply points shall be supplied through pipes not less than 12.5mm in diameter and approved by the Local Authority. At each supply point there shall be a draw off tap at reasonable level discharging over a suitable paved area, and drained to a gully which shall not be used for the disposal of waste water. Water supply points shall be so situated that no caravan is more than 90 metres away from the water supply point.**

**Adequate precautions shall be taken (or cause to be taken) to protect all service water pipes between the connection to the Local Authority main and fittings within the caravans, all to the satisfaction of the Local Authority.**

***Drainage, Sanitation and Washing Facilities***

- e. An adequate drainage system approved by the Local Authority and complying with the relevant Building Standards (Scotland) Regulations, shall be provided for the complete and hygienic disposal of foul, rain and surface water.

Sanitary and washing facilities shall be provided in approved weather proofed buildings of durable construction on the following scale with separate accommodation for each sex.

Women - 2 WCs per 30 caravans

Men - 1 WC and 1 urinal (or 2 WCs) per 30 caravans

1 wash hand basin with hot and cold water shall be provided for each WC and urinal.

For each sex, a shower or bath with hot and cold water shall be provided per 25 caravans. Provision must be made in the women's toilet accommodation for the hygienic disposal of sanitary dressings.

The position of the sanitary and washing facilities on the site shall be approved by the Local Authority.

Laundry facilities with hot and cold water shall be provided and internal and external clothes drying facilities shall be provided.

The toilet facilities shall be capable of being easily cleaned.

Adequate frost precautions shall be taken to ensure that the sanitary and washing facilities are functional throughout the year.

A properly designed and constructed disposal point for chemical closets shall be provided.

This point shall be provided with a water supply and equipment for flushing containers and shall be clearly marked as not for drinking purposes.

***Litter and Refuse Provisions***

- f. Common refuse receptacles made of non-absorbent material and with a close fitting lid shall be provided, housed within a properly constructed store and situated to the satisfaction of the Local Authority

**Satisfactory arrangements shall be made for the emptying and cleansing at least once a week of these receptacles.**

***Electrical Installations***

- g. If pitches are provided with mains electricity from a central supply point it must be sufficient in all respect to meet the reasonable demands of the caravans thereon, the cables shall be laid in such a way as to minimise the risk to people tripping or having similar accidents.**

**Any electrical installations other than Electricity Supplier works and circuits shall be installed in accordance with the requirements of the Institution of Electrical Engineers Regulations for the Electrical Equipment in Buildings (the I.E.E. Wiring Regulations) currently in force (and if relevant to the standard acceptable for the purposes of the current Electrical Supply Regulations) and be properly maintained.**

**Electrical Installations shall be inspected not less than once in every 12 months (or in the case of underground installation 3 years) or in such longer periods as may be recommended by a person who should be one of the following: -**

- A professionally qualified Electrical Engineer**
- A member of the Electrical Contractors Association**
- A member of the Electrical Contractors association of Scotland**
- A certificate holder of the National Inspection Council for Electrical Installation Contracting**
- Or a qualified person acting on behalf of one of these (in which case it should be stated for whom he is acting).**

**Within one month of such an inspection, the person carrying it out shall issue an inspection certificate in the form prescribed in the I.E.E. Wiring Regulations. The certificate shall be obtained by the site operator and displayed**

**with the site licence. The site operator should meet the cost of the inspection and report.**

***Recreational Area***

- h. A reasonable amount of space should be available on the site for recreational purposes which shall be located so as to minimise noise nuisance to caravans or adjacent residents.**

***Storage of Liquid Petroleum Gas***

- i. Liquid Petroleum Gas (LPG) supplied from tanks shall comply with current Regulations and guidance notes.**

**Exposed gas bottles or cylinders shall not be within 6 metres of an adjoining caravan. LPG installations shall conform to the current British Standards and Code of Practices for domestic butane and propane gas burning installations.**

***Notices***

- j. Notices must be displayed on the site indicating the action to be taken in the event of an emergency. They shall show where the Police, Fire Brigade, Ambulance and local Doctors can be contacted and the location of the nearest public telephone.**

**A suitable sign must be displayed at the site entrance indicating the name of the site, and the name and telephone number of the site licence holder and his/her accredited representative.**

***General***

- k. The site, including all roads, services and facilities (including all caravans owned by the site operator) shall be maintained or cause to be maintained in good order and condition to the satisfaction of the Local Authority.**
- l. Where practicable, consideration should be given to the needs of disabled people in the design of the caravan and the layout of the site.**
- m. The keeping of animals or birds on the site shall be adequately controlled to prevent nuisance conditions arising.**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

- n. **All communal buildings shall have adequate internal lighting. There shall also be sufficient external lighting to adequately light the carriageways and footpaths within the residential/ static areas and all access to common buildings.**
- o. **New buildings on the site and buildings undergoing change of use or alteration shall comply with the current Building (Scotland) Regulations.**
- p. **The site shall not be used until all the facilities have been provided and are operative.**
- q. **No trade or business shall be conducted in or from any caravan on the site.**
- r. **The Licensee shall provide Perth & Kinross Council with a layout plan of the site.**
- s. **The Licensee shall consult with Perth & Kinross Council prior to carrying out any changes to the site.**

Amendment (Councillors P Barrett and B Band) – Refuse, on the grounds that the application is contrary to:

- (i) Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 as it will not contribute positively to the surrounding built environment by reason that it will have a detrimental impact on the residential amenity of neighbours and on the immediate road network;
- (ii) Policy TA1B of the Perth and Kinross Council Local Development Plan 2014 as the proposal is not well served by and easily accessible to all modes of transport. It will increase the scale of transport movements to the detriment of all potential users; and
- (iii) Policy ED4B of the Perth and Kinross Council Local Development Plan 2014 as it is incompatible with Policy PM1.

In accordance with Standing Order 44, a roll call vote was taken.

6 members voted for the Amendment as follows:  
Councillors B Band; M Barnacle, I Campbell, D Cuthbert, P Barrett and C Gillies.

6 members voted for the Motion as follows:  
Councillors T Gray, H Anderson, J Kellas, A Livingstone, M Lyle and G Walker.

Amendment – 6 votes

Motion – 6 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

**Resolved:**

In accordance with the Motion.

- (iv) **(14/00817/FLL – COMRIE – Erection of a dwellinghouse and caretakers/garage block at Former Dunira House, Dunira, Comrie – Report 14/324 – J Denholm**

**Resolved:**

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

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.
2. The proposed access to the south east of the house shall be formed in its entirety prior to the commencement of any construction works on the house/garage/caretakers block. This new access shall serve as the sole access to the site during construction of the house. The use of the “Greengates” access to the west of the application site for house/garage/caretakers block construction vehicles site is not permitted.
3. Prior to the commencement of any development a detailed phasing plan for reinstatement of the built elements of the Dunira Designed Garden and Landscape shall be submitted to and approved in writing by the Planning Authority. This phasing plan shall refer to the terraces, steps, balustrades, water features and the pavilion/summerhouse. The phasing plan, as approved, in writing shall be strictly adhered to, to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any development a detailed methodology for the reinstatement of the built elements of the Dunira Designed Garden and Landscape shall be submitted to and approved in writing by the Planning Authority. This methodology shall refer to the terraces, steps, balustrades, water features and the pavilion/summerhouse. The detailed methodology, as approved, in writing shall be strictly adhered to, to the satisfaction of the Council as Planning Authority.
5. The proposed garage block has been approved strictly as ancillary accommodation incidental to the enjoyment of the main house only and shall not be occupied as an independent dwelling all to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Council as Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

**Justification**

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

**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. 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).

(v) **14/00975/FLL – KELTNEYBURN – Erection of a dwellinghouse and garage, Land 30 Metres North East of The Steadings, Keltneyburn – Report 14/325 – Mrs H Ash**

Mr A Ash, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

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

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.
2. Prior to the commencement of works on site a Construction Method Statement shall be submitted and approved in writing by the Council as Planning Authority in consultation with SNH. The statement shall provide the following information:
  - (i) Storage and disposal of materials, including the siting of stock piles, temporary dumps, disposal of excess topsoil, recycling, re-use or disposal of demolition material and use of buffer strips.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

- (ii) Site Construction procedures - vehicle movements and general practices particularly in relation to the adjacent woodland habitat and ensuring all work takes place solely within the development area. The details, as approved, shall be strictly adhered to during the development of the site.
3. The site shall be served by the existing private access from the C448 public road and prior to the occupation or use of the approved development, shall be provided with 2 passing places at approximately 50.00m centres to the satisfaction of the Planning Authority.
  4. Prior to the occupation and use of the approved development the existing private access between its junction with the C448 public road and the site shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
  5. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
  6. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.
  7. All existing trees on the site and surrounding the site shall be retained and protected with all protection measures adhering to *BS 5837:2012 Trees in Relation to Design, Demolition and Construction* all to the satisfaction of the Council as Planning Authority.
  8. A detailed landscaping and planting scheme shall be submitted for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented and completed within the first planting season; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
  9. Should a private water supply be used, prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

- be put in place before the site works commence and shall be so maintained throughout the period of construction.
10. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

**Justification**

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

**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. The applicant is 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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
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. Should a private water supply be used, the applicant shall ensure the private water supply for the house/development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland)

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 AUGUST 2014

Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

7. 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).
8. The applicant should be aware that the formation of passing places on the access track may require third party agreement.

- (vi) **14/01216/MPO – PERTH – Modification of planning obligation to allow 145sqm of Unit 10 to be used for the sale of convenience goods including food at St Catherine’s Retail Park, Perth – Report 14/326 – EPISO Boxes GP Ltd c/o Pradera**

**Resolved:**

**Approve**, the proposed Modification of existing Planning Obligation to allow the sale of a revised range of goods.

**Justification**

The requested modification is considered to be in accordance with the Development Plan.

~~~~~