

PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
18 FEBRUARY 2015

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewar's Centre, Perth on Wednesday 18 February 2015 at 10.00am.

Present: Councillors T Gray (Convener), B Band, H Anderson (with the exception of Art. 108(1)(iv)), M Barnacle, I Campbell, A Gaunt, J Giacobazzi, C Gillies, A Jack (substituting for Councillor D Cuthbert) (with the exception of Art. 108(1)(vii)) J Kellas, A Livingstone, M Lyle and G Walker.

In attendance: Councillor M Roberts (up to and including Art. 108(1)(ii)); K Aitken, Transport Scotland (up to and including Art. 108(1)(iii)), N Brian, A Condliffe, J Thomson, S Dunn, J McCrone (up to and including Art. 108(1)(iv)) and M Barr (all The Environment Service); C Elliott, Y Oliver and H Rheinallt (all Chief Executive's Service).

Apology: Councillor D Cuthbert.

Councillor T Gray, Convener, Presiding.

### **104. WELCOME**

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

### **105. DECLARATIONS OF INTEREST**

Councillor H Anderson declared a non-financial interest in Art. 108(1)(iv) in terms of the Councillors' Code of Conduct.

### **106. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 14 January 2015 (Arts. 6-10) was submitted, approved as a correct record and authorised for signature, subject to it being noted that the meeting had taken place in the Gannochy Suite, Dewar's Centre, Glover Street, Perth (and not at 2 High Street, Perth as stated).

### **107. 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
14/00228/FLL	108(1)(ii)
14/00834/FLL	108(1)(iii)
14/01675/IPL	108(1)(iv)
14/02077/FLL	108(1)(vi)
14/02165/IPL	108(1)(vii)

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**108. APPLICATIONS FOR DETERMINATION**

**(1) Local Applications**

**(i) 10/00638/FLL – Erection of 3 dwellinghouses at Prinns Smithy, Gateside, Glenfarg - Report 15/70 – Mr and Mrs D Barnes Smith**

**Resolved:**

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

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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
4. Visibility splays of 3.00m x 160.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A912 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
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 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.
7. 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

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by, the Council as 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.

8. Prior to commencement of work on site a fully detailed landscaping plan including hard and soft landscaping, boundary treatment, mounding and any planting shall be submitted in writing for the approval of the Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

**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 shall consult with the Scottish Environment Protection Agency (SEPA) to confirm the requirements for any private waste water treatment provisions and licensing under the CAR Regulations.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.

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(ii) **14/00228/FLL – INCHTURE – Erection of dwellinghouse, land 20 metres east of Robinhill, Kinnaird, Inchture – Report 15/71 – Mr E Findlay**

Mr C Comben and Dr B D Harrison, 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:

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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. 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.
4. All plant or equipment including any ventilation system associated with operation of the air source heat pump shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.
5. Prior to the commencement of any works on site, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include details of any proposed hard landscaping and soft landscaping and details of the proposed upgrading of the access track. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.
6. All existing trees on and adjacent to the site shall be retained and protected to the satisfaction of the Planning

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Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.

7. 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.
8. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Procedural Notes**

Prior to the issue of planning permission the applicant is required to provide a financial contribution of £6,395 towards education provision. This payment may be deferred through the completion of a suitable legal agreement with the Council.

If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason:-

*Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions Supplementary Planning Guidance 2014 which requires financial contributions to be secured.*

**Informatives**

1. 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

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- 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 ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
  6. The applicant 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) 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. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact the Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel - 0845 601 8855.

If the developer requires any further assistance or information on this response, they should phone the above number or alternatively additional information is available on the following website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)

**(iii) 14/00834/FLL –Erection of four warehouses, office and associated works, land 80 metres north west of Inch of Tullimet Farm, Ballinluig – Report 15/72 – The House of Bruar**

N Brian, Development Quality Manager, advised the Committee that, should they be minded to approve the following application, the following amendments be also agreed:

- (i) Page 49, Paragraph 72 – be amended to read “Policy ED3” (as opposed to Policy RD3)
- (ii) Page 53, Condition 13, be amended to read “.... must be submitted to Perth and Kinross Council as Planning Authority for approval in consultation with Network Rail’s Asset Protection Engineer prior to works commencing on site.”

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Mr P Birkbeck, applicant and Ms P Roy and Mr C Bridges, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

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

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 any development other than the upgrade to the bellmouth onto the A9 the flood attenuation/compensatory storage area to the north west of the site as indicated on drawing 14/00834/8 shall be formed and completed in its entirety to the satisfaction of the Council in consultation with SEPA.
3. The wall and door construction of the warehouse development shall allow the flow of water through the building in the event of the site being inundated with flood water. This design shall be in accordance with the "Ingress and Egress Valve" drawing attached to HPL letter dated 6 August 2014.
4. The development site shall be connected to the SEPA early warning flood system.
5. The warehouses shall be fitted with internal proprietary storage racking set at 900mm.
6. Prior to any development commencing detailed plans of the proposed alterations to the trunk road junction shall be submitted for the written approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. The layout shall accord with the drawing number (14/00834/12) prepared by Hareshaw Property Services and will require to provide construction details and lining and signing details. The details as approved shall be implemented prior to any of the built development on site taking place.
7. Prior to any construction taking place at the trunk road junction, full details of the proposed temporary traffic management shall be submitted for the written approval of the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority. The details, as approved, shall be strictly adhered to during the development of the site.
8. The existing traffic bollards (Glasdon Admiral bollard or approved equivalent) shall be re-erected, or replaced, within the trunk road verge on either side of the access at locations to be approved by the Planning Authority in writing, after consultation with Transport Scotland, as the

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- Trunk Roads Authority prior to the commencement of development of the buildings on site.
9. Phase 3 of the development (as outlined on layout plan 14/00834/8) shall not commence until the dualling of the A9 and associated junction improvements have been completed to the satisfaction of the Council as Planning Authority in writing, after consultation with Transport Scotland.
  10. Prior to the commencement of any of the built development hereby approved, full details of a robust landscaping and planting scheme for the south, west and east boundaries of the site shall be submitted for the written approval of the Planning Authority. This shall include a mixture of stock sizes, including feather trees, shrubs, light standards and heavy standards and shall also include an evergreen species such as Scots Pine. The details, as approved, shall be implemented as part of the site development and completed in its entirety, to the satisfaction of the Council as Planning Authority prior to any of the development being brought into use.
  11. Details of the design and construction of the proposed drainage arrangements adjacent to the railway boundary shall be submitted to the Planning Authority for approval in consultation with Network Rail's Asset Protection Engineer before development is commenced.
  12. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary shall be erected prior to the development being brought into use. The fence shall be maintained in perpetuity. Network Rail's existing boundary measure must not be removed without prior permission from Network Rail.
  13. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Perth and Kinross Council as Planning Authority for approval in consultation with Network Rail's Asset Protection Engineer prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
  14. The delivery of goods to the premises shall only take place between 0700 and 1900 Monday to Friday and Saturday 0900-1700 with no deliveries on Sundays. The idling of delivery vehicle engines is prohibited.
  15. The hours of business shall be restricted to 0700-1900 Monday to Friday and 0900-1700 on Saturdays with no business on Sundays.



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16. All plant or equipment, including any ventilation system, associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive premises, with all windows slightly open, when measured and/or calculated and plotted on a Noise Rating curve chart.
17. No external floodlighting of the site is permitted.
18. The warehouse buildings hereby approved shall be solely used for Class 6 Storage and Distribution of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and so maintained to the satisfaction of the 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. 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 developer should contact Network Rail's Asset Protection Engineers to discuss the above condition at Network Rail Asset Protection Engineers, Buchanan House, 58 Port Dundas Road Glasgow, G4 0LQ Tel: 0141 555 4887 E-mail - [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

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*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

*COUNCILLOR H ANDERSON, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT*

**(iv) 14/01675/IPL – Formation of a river pontoon (in principle) on Land 60 metres west of Lairwell House, Kinfauns, Perth, PH2 7JU – Report 15/73 – Perth and Kinross Council**

A Condliffe, Applications Team Leader, advised the Committee that, should they be minded to approved the following application, the following amendment be also approved:

Mr J McCrone, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Page 59, Paragraph 19 – be amended to read “**Transport Scotland** – no objection raised.....”

**Resolved:**

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

1. The development shall not commence until the following matters have been approved by the Council as Planning Authority: the siting, design and external appearance of the development.
2. Notwithstanding the terms of Condition 1, prior to the commencement of any works on site a detailed Construction Management Scheme (CMS) shall be submitted for the approval in writing by the Council as Planning Authority. The CMS must take into account the impact that the proposal may have on European Protected Species and shall be implemented in full, to the satisfaction of the Council as Planning Authority in consultation with SNH.
3. The indicative details as shown on plan 14/01675/2 are for illustrative purposes only and are not hereby approved.
4. Notwithstanding the terms of Condition 1, an application for the approval of matters specified by condition must include a traffic study identifying the existing vehicle movements over the existing rail bridge and those to be generated by the proposed pontoon.

**Justification**

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

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**Informatives**

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. The applicant is strongly advised to contact SNH to agree the scope of the information required in connection with Condition 2, prior to the formal submission of an application for approval of matters specified.
4. The applicant should be aware that a licence will be required from Marine Scotland prior to any works commencing.
5. The applicant should be fully aware of Network Rail's long standing safety concerns over the intensification of vehicular or other use of the private occupation bridge. Network Rail own and maintain that bridge and have a statutory responsibility for rail safety. There is no obligation on Network Rail to permit additional use of the bridge to give access to other lands which were not previously served by the bridge. The advice from Network Rail is that works to the bridge and approach may be required to address their safety concerns. The applicant must contact Network Rail to discuss these issues and no intensification of use and/or permitted activities under this planning permission should commence until safety concerns have been addressed and any works fully implemented.

*COUNCILLOR H ANDERSON RETURNED TO THE MEETING AT THIS POINT*

- (v) **14/01864/FLL – Erection of 2 dwellinghouses at land at Broadwood View, Auchterarder – Report 15/74 – MGN Engineering Ltd**

A Condliffe, Application Teams Leader, advised the Committee that, should they be minded to approve the following application, the Procedural Note should be amended by adding as follows:

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If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason:-

*Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions Supplementary Planning Guidance 2014 which requires financial contributions to be secured.*

**Resolved:**

**Grant**, subject to the following conditions, informatives and amended Procedural Note:

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 or use of the approved development the vehicular accesses shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
3. Prior to the occupation or use of the approved development a 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontage with the proposed development.
4. 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 as 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.
5. All existing trees on the site identified for retention shall be retained and protected in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations, with all associated measures in place in advance of the commencement of development and thereafter retained for the entire duration of construction, unless otherwise agreed with the Planning Authority.
6. Details of the proposed boundary treatment and associated landscaping for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development and such scheme as may be approved shall be completed prior to the occupation/use of the development.

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7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

**Justification**

The proposal is considered to comply with the approved TAYplan 2012 and remain in accordance with the Local Development Plan and there are no material reasons which justify departing from the Development Plan.

**Procedural Note**

If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason:-

*Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions Supplementary Planning Guidance 2014 which requires financial contributions to be secured.*

**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 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

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at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

6. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**(vi) 14/02077/FLL – Installation of 17MW photovoltaic solar farm development and ancillary works at Shire End Farm near Path of Condie and Glenfarg – Report 15/75 – Archiception Limited**

Mr B McGhee, landowner, accompanied by Ms K Sneedon, in support of the application, followed by Mr S Dean, Friends of the Ochils and Mr G Mclean, both on behalf of objectors to the application and Mr A Johnston, Glenfarg Community Council, also objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors T Gray and J Kellas) – Grant, subject to the conditions and informatives contained in Report 15/75.

**1<sup>st</sup> Amendment (Councillors I Campbell and A Livingstone) – Defer, for the following reasons:**

- (i) the provision of more viewpoints from beyond 2km from the proposed site;**
- (ii) a site visit by the Development Management Committee be carried out;**
- (iii) the cumulative and sequential impact to be addressed.**

2<sup>nd</sup> Amendment (Councillors M Barnacle and A Gaunt) – Refuse, for the following reasons:-

- (i) the proposal is contrary to the Perth and Kinross Council Local Development Plan 2014, Policy ER1A (a) in that it does not take satisfactory account of the significant adverse impact on landscape character and visual integrity of the area;
- (ii) the proposal is contrary to the Perth and Kinross Council Local Development Plan 2014, Policy ER6 in that it does not maintain and enhance the landscape qualities of Perth and Kinross. It (a) erodes the visual and scenic qualities of the landscape and (b) does not safeguard views;
- (iii) the proposal is premature in advance of the completion of the landscape supplementary guidance.

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

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3 members voted for the 2<sup>nd</sup> Amendment as follows:  
Councillors M Barnacle, A Jack and A Gaunt.

6 members voted for the 1<sup>st</sup> Amendment as follows:  
Councillors H Anderson, I Campbell, J Giacopazzi, C Gillies,  
A Livingstone and M Lyle.

4 members abstained as follows:  
Councillors T Gray, B Band, J Kellas and G Walker.

2<sup>nd</sup> Amendment – 3 votes                      1<sup>st</sup> Amendment – 6 votes

The 1<sup>st</sup> Amendment then became the substantive Amendment.

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

7 members voted for the Amendment as follows:  
Councillors M Barnacle, I Campbell, A Jack, A Gaunt, C Gillies,  
A Livingstone and M Lyle.

6 members voted for the Motion as follows:  
Councillors T Gray, B Band, H Anderson, J Giacopazzi, J Kellas  
and G Walker.

Amendment – 7 votes                      Motion – 6 votes

**Resolved:**

In accordance with the Amendment.

*COUNCILLOR A JACK LEFT THE MEETING AT THIS POINT.*

**(vii) 14/02165/IPL – Erection of a dwelling in principle at land 40 metres south-west of Caol Ila, Back Dykes Road, Kinnesswood – Report 15/76 – Mr and Mrs L Ballantyne**

N Brian, Development Quality Manager, advised the Committee that, should they be minded to approve the following application, they also approve an additional Condition 8, relating to potential private drainage.

He also advised the Committee that a letter of representation had been received from Portmoak Community Council, a copy of which had been circulated to members prior to the meeting.

Ms J Lockhart, Architect, on behalf of the applicant, followed by Ms F Blackie and Ms M Munro, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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**Resolved:**

**Grant**, subject to the following conditions and informatives, with an additional Condition 8 as undernoted:

1. The development shall not commence until the following matters have been approved by the Planning Authority:  
The siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, surface and foul water drainage, the car parking and means of access to the site.
2. The proposal must comply fully with the requirements of the Council's approved Developer Contributions 2014 supplementary guidance, or any subsequent policy or guidance which relates specifically to Primary Education contributions.
3. Prior to the occupation or use of the approved development, the vehicular access onto Back Dykes Road shall be formed, with a minimum width of 4 metres.
4. 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.
5. Prior to the occupation or use of the approved development, a minimum of 2 No. car parking spaces shall be provided within the site.
6. In association with Condition 1, a detailed construction management plan shall be worked up and submitted in support of any detailed planning submission, which shall set out precise details of associated vehicle movements (including proposed point of access) and plant requirements to and from the site, which are required for the entire duration of the construction phase, taking full account of established natural and built features affecting Back Dykes Road, up to the point of the proposed access.
7. All existing trees on the site identified for retention shall be shown in the submission of the reserved matters referred to in Condition no 1.
8. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any drainage pipes, 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.



PERTH AND KINROSS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
18 FEBRUARY 2015

**Justification**

The proposal is considered to comply with the approved TAYplan 2012 and remain in accordance with the Local Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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.
5. The applicant is advised to contact Scottish Water Property Search Department (Tel 0845 601 8855) to ensure there will be no impact on any Scottish Water infrastructure.
6. The applicant is advised that Perth & Kinross Council can only offer a weekly sack collection of general waste due to restricted access issues at Back Dykes. The applicant is advised to contact the Council Waste Services team for more details.

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