

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 June 2013 at 9.30am.

Present: Councillors T Gray, B Band, M Barnacle, H Anderson, I Campbell, A Gaunt, C Gillies, J Giacomazzi, J Kellas, A Cowan (substituting for M Lyle), A Jack and G Walker.

In Attendance: Councillors K Howie (Art. 386(1) (iii) only); N Brian, A Condliffe, J Thomson, A Bendall (up to and including Art. 386(1)(iii)), (all The Environment Service); G Fogg (up to and including Art. 386(1)(iii)), C Elliott (from Art. 386(1)(iv) and P Frazer (all Chief Executive's Service).

Apology: Councillor M Lyle.

Councillor T Gray, Convener, Presiding.

383. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor A Gaunt declared a non-financial interest in Art. 386(2)(i) on the agenda in relation to Formation or a roundabout and ancillary works, land south of South Lodge, Windsole, Auchterarder.

384. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 22 May 2013 was submitted, approved as a correct record and authorised for signature.

385. DEPUTATIONS

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

Planning Application No.	Article No.
13/00253/FLL	386(1)(i)
13/00524/FLL	386(1)(iii)
12/02160/FLL	386(2)(i)

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

386. APPLICATIONS FOR DETERMINATION

(1) Local Applications

(i) **13/00253/FLL – DRUNZIE – Modification of existing consent (11/00277/FLL) change of house type and garage at Land North West of Gwendoline Row, Drunzie – Report 13/312**

Mr K McFarlane, agent, followed by Mr D Arnold, on behalf of the Glenfarg community council and Mrs C Baillie, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

- 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 commencement of work on site 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.

Justification

The proposal is considered to comply with the Development Plan and there are no material considerations which would warrant a refusal.

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.

(ii) 13/00406/IPL – STANLEY – Renewal of planning permission (09/01530/IPL) Erection of 35 dwellinghouses (in principle), Land 160 Metres West Of Shielhill Farm, Stanley – Report 13/313

Resolved:

Grant, subject to the following conditions:

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management) (Procedures) (Scotland) Regulations 2008 and of Section 59(2) and (3) of the Town and Country Planning (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed
2. 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, the car parking and means of access to the site.
3. The proposed development shall be carried out in accordance with the approved plans herewith unless otherwise provided for by conditions imposed on the planning consent.
4. This permission relates to the site outlined red on page No 8 of the submitted Design Statement and referred to as Part 2 of that statement.
5. The development shall be laid out and designed broadly in accordance with principles as set out in the Supporting Planning and Design Statement (09/01530/IPL/1), to the satisfaction of the Planning Authority.
6. Prior to the occupation of any dwelling unit, the carriageway of Linn Road along the site frontage shall be widened to give a minimum width of 5.50 metres together with a 1.80 metre footway at Athole Drive constructed to the standard and specifications required by the Council to the satisfaction of the Planning Authority.
7. Prior to the occupation of any dwelling, all matters regarding access, car parking road layout design and specification, including disposal of surface water, shall be in accordance with the standards required by the Council to the satisfaction of the Planning Authority.

8. Surface and storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems, to accord with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.
9. The proposed core paths on the south-east, north-east and north-west boundaries of the site shall not be obstructed during building works or on completion. Any damage done to the route during building works shall be made good prior to the occupation of the first house.
10. The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary School Education and New Housing Developments May 2009.
11. At least 25% of the development shall constitute affordable housing as defined in the Council's Approved Policy on Affordable Housing-2005.

Justification

The application is contrary to the Development Plan but there are material considerations to justify a departure.

Informatives

The applicant is advised that in terms of Sections 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 Environmental Protection Agency.

Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

(iii) 13/00524/FLL – PITLOCHRY – Erection of boundary fences and walling (partly in retrospect) at Aldcharmaig Strathtummel, Pitlochry – Report 13/314

Mr D Murdoch, Agent on behalf of the applicant and Councillor K Howie, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The fence of the proposed height and with an inadequate access plan is a high impact risk and is unsuitable due to:

- (i) the high risk of vehicles colliding with deer due the close proximity of the fence to the public road;
 - (ii) the likelihood that deer will be funnelled on to the road and remain there for longer periods due to a reduction in escape routes;
 - (iii) the reduced visibility for vehicles.
2. A fence of the proposed height and location contravenes the Code of Practice on Deer Management.
 3. The application is also contrary to Policy 3 of Tayplan Strategic Development Plan.
 4. The application is contrary to Policies 3 and 18 of the Highland Area Local Plan 2000.
 5. The application is contrary to Policies CF2, (Public access) and NE3, (Biodiversity and protection of all wildlife) of the Proposed Local Development Plan 2012.

COUNCILLOR K HOWIE, G FOGG AND A BENDALL LEFT THE MEETING AT THIS POINT

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

C ELLIOTT ENTERED THE MEETING AT THIS POINT.

(iv) 13/00647/FLL – BLACKFORD – Modification of consent (05/01545/FUL) change of house type on Plots 40-56 at Phase 2 Mill of Ogilvie, Blackford – Report 13/315

Mrs A Condliffe, Team Leader, Development Management, requested that, should the Committee be minded to approve the application, an additional condition be added with regard to access to the proposed landscaping area located to the west of application site.

Resolved:

Grant, subject to the following conditions and an additional Condition 7 being added:

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 commencement of work on site 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.
3. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
4. Prior to commencement of work a fully detailed landscaping plan, including any planting and boundary

treatment shall be submitted in writing for the approval of the Planning Authority. The approved landscaping scheme shall be fully implemented within six months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the Planning Authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

5. The disposal of surface water shall be by means of a satisfactory sustainable urban drainage system to meet requirements of best management practices. The system shall be submitted for the approval in writing of the Council prior to the commencement of works on site.
6. Prior to the commencement of development the applicant shall provide a fully detailed Construction Method Statement including pollution prevention measures to mitigate any adverse effects to nearby water courses adjacent to the site.
7. Access to the proposed landscaping area located to the west of the application site shall be maintained through the area of open space approved on plan 13/00647/1 to the satisfaction of the council as 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 should be aware that the application site is close to a functional flood plain where there may be insurance issues arising over any buildings in this vicinity.

(2) Applications with Council Interest

(i) 12/02160/FLL – AUCHTERARDER – Formation of a roundabout and ancillary works, land south of South Lodge, Windsole Auchterarder – Report 13/316

Councillor A Gaunt, on behalf of an objector, addressed the Committee, and, following her representation, left the meeting.

Motion (Councillors J Kellas and A Livingstone) – Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved plans herewith unless provided for by conditions imposed on the planning consent.
2. Prior to the occupation and use of the approved development all matters regarding, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
3. Prior to the commencement of the development, full details of the landscaping specification shall be submitted and agreed in writing by the Council as Planning Authority. The scheme shall include hard and soft landscaping (materials/specification/sizes/planting and aftercare arrangements) boundary treatments, and tree/shrub planting, particularly including these proposals within the vicinity of Castle Garrick and South Lodge. The scheme as subsequently approved shall be implemented as part of the site development programme and completed by the second planting season following completion of the works.
4. Any planting which fails to become established shall be replaced by the next available planting season, unless otherwise agreed, to the satisfaction of the Council as Planning Authority.

Justification

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

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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
4. 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 Environmental Protection Agency.

Amendment (Councillor A Jack), Refuse - on the grounds of (i) the application being premature with regard to other possible development; (ii) increased noise from the proposed roundabout and; and (iii) safety concerns. On failing to find a seconder, the Amendment subsequently fell.

Amendment (Councillors M Barnacle and T Gray) – Defer - for the provision of further information as to (i) the Proposed Local Development Plan process as it affects this proposal; (ii) issues of pavements and pedestrian safety in relation to South Lodge; and (iii) other possible future developments in the area including Shinafoot which may have an affect on this proposed development.

In accordance with Standing Order 43, a roll call vote was taken.

8 Members voted for the Amendment as follows:

Councillors Gray, Band, Anderson, Barnacle, Campbell, Gillies, Cowan and Walker.

3 Members voted for the Motion as follows:

Councillors Giacobazzi, Kellas, and Livingstone.

Resolved:

In accordance with the Amendment.

COUNCILLOR GAUNT RETURNED TO THE MEETING AT THIS POINT

(ii) 13/00350/FLL – MUTHILL – Installation of underground power cables and removal of electricity poles at various properties, Thornhill Street, Muthill – Report 13/317

Resolved:

Grant, subject to the following conditions:

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. All re-instatement of land required in association with the cable undergrounding shall match that of the existing to the satisfaction of the Council as Planning Authority.
3. Prior to the commencement of any development full details of all tree route protection and any re-routing required for the cable to avoid trees shall be submitted for the prior written approval of the Planning Authority. The details, as approved, shall be strictly adhered to during the development of the site.
4. All traditional boundary walls and hedges shall be protected during the undergrounding works and all works should ensure these are not damaged during works all to the satisfaction of the Council as Planning Authority.

Justification

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

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 should note that further applications for listed building consent may be required for cabling on listed buildings and this should be discussed directly with the Planning Authority prior to any works taking place to a listed building.

(iii) 13/00351/FLL – MUTHILL – Installation of underground power cables and removal of electricity poles at various properties, Station Road, Muthill – Report 13/318

Resolved:

Grant, subject to the following conditions:

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. All re-instatement of land required in association with the cable undergrounding shall match that of the existing to the satisfaction of the Council as Planning Authority.
3. Prior to the commencement of any development full details of all tree route protection and any re-routing required for the cable to avoid trees shall be submitted for the prior written approval of the Planning Authority. The details, as approved, shall be strictly adhered to during the development of the site.
4. All traditional boundary walls and hedges shall be protected during the undergrounding works and all works should ensure these are not damaged during works all to the satisfaction of the Council as Planning Authority.

Justification

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

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 should note that further applications for listed building consent may be required for cabling on listed buildings and this should be discussed directly with the Planning Authority prior to any works taking place to a listed building.

(iv) 13/00352/FLL – MUTHILL – Installation of underground power cables and removal of electricity poles at various properties, Wardside, Muthill – Report 13/319

Resolved:

Grant, subject to the following conditions:

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. All re-instatement of land required in association with the cable undergrounding shall match that of the existing to the satisfaction of the Council as Planning Authority.
3. Prior to the commencement of any development full details of all tree route protection and any re-routing required for the cable to avoid trees shall be submitted for the prior written approval of the Planning Authority. The details, as approved, shall be strictly adhered to during the development of the site.
4. All traditional boundary walls and hedges shall be protected during the undergrounding works and all works should ensure these are not damaged during works all to the satisfaction of the Council as Planning Authority.

Justification

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

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 should note that further applications for listed building consent may be required for cabling on listed buildings and this should be discussed directly with the Planning Authority prior to any works taking place to a listed building.

(v) 13/00353/FLL – MUTHILL – Installation of an electricity link box cabinet at land 40 Metres North East of Old Jam Factory, Ward Road, Muthill – Report 13/320

Resolved:

Grant, subject to the following conditions:

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 full details of the proposed colour of the link box shall be submitted for the written approval of the Planning Authority. The colour, as agreed, shall be implemented as part of the site development and maintained in perpetuity.

Justification

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

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.

(vi) 13/00737/FLL – PERTH – Formation of a vehicular access at 73A Edinburgh Road, Perth – Report 13/321

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the 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. The applicant is advised that in terms of Sections 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 Environmental Protection Agency.

(vii) 13/00772/LBC – PITLOCHRY – Alterations, repairs and strengthening to the suspended bridge deck and buried concrete anchor blocks, repaint structure where required,

Port-Na-Craig Footbridge, Port-Na-Craig Road, Pitlochry – Report 13/322

Resolved:

Grant, subject to the following condition:

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. A sample of the paint to be used for localised areas of repair, cleaning and re-painting shall be provided on site for inspection and approval.
3. For the avoidance of any doubt grit blasting as a method of cleaning the structure is not approved by this listed building consent.

Justification

The proposal is considered to comply with the listed building legislation and with the contents of the Development Plan and there are no material considerations apparent that would outweigh the contents of the Development Plan.

Procedural Notes

The property falls under the ownership of Perth & Kinross Council. As such, this application requires to be referred to Historic Scotland for the determination and issuing of the consent.

Informatives

This listed building consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (see Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 (3) of the Planning etc. (Scotland) Act 2006).

(3) Report on Legacy Applications

There was submitted a report by the Development Quality Manager (13/323) recommending a change in recommendation to refusal of a number of planning applications which were previously minded to approve by the Development Management Committee but subject to either the signing of a Section 75 Agreement or an up front payment for Developer Contributions. The upfront payment or progress in signing the Section 75 Agreement has failed to materialise and these matters now require to be concluded.

- (i) **06/00266/FUL – ERROL – Erection of 7 dwellinghouses at Vacant Land West Of, Station Road, Errol**

Resolved:

Refused, as a result of non compliance with the Council's Approved Policy on Affordable Housing (2005) which seeks 25% affordable housing on all developments of 5 or more houses.

- (ii) **06/02243/FLL – PITLOCHRY – Conversion of former school building into 12 dwellinghouses, land at Croftinloan, Pitlochry**

Resolved:

Refused, as a result of non compliance with the Council's Approved Policy on Affordable Housing (2005) which seeks 25% affordable housing on all developments of 5 or more houses.

- (iii) **07/00934/FLL – PERTH – Erection of 27 flatted dwellings and associated parking in lieu of existing hall, at The Meeting Room, Goodlyburn Terrace, Perth**

This application was withdrawn by the applicant prior to the meeting.

- (iv) **07/02156/FLM – PERTH – Demolition of existing buildings and redevelopment to form Class 1 retail development and associated ancillary uses, extension to multi-storey car park, incorporating the formation of new retail street/court/pend and associated hard landscaping/shared managed service areas on land at Mill Street, Perth**

Resolved:

Refused, as a result of a failure to enter in to a Section 69 Agreement with the Council to secure the financial contribution towards car parking or sustainable transport measures.

- (v) **10/02049/AML – CLATHY – Erection of 3 dwelling houses at Land to the North West of Bearn Larach, Clathy**

Resolved:

Refused, as a result of non compliance with the Council's Approved Policy on Education Contributions, which in this case was calculated at £6395 (x3) where there is an identified capacity issue within the primary school catchment.

DRAFT