

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 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 19 March 2014 at 10.00am.

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

In Attendance: Councillors G Laing and B Vaughan (for Art. 187(2)(ii)); Councillor W Wilson (for Art. 187(1)(i)); N Brian, A Condliffe, M Barr, J Ferguson, K Steven and J Thomson (all The Environment Service); C Elliott and P Frazer (both Chief Executive's Service).

Councillor T Gray, Convener, Presiding.

183. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting.

184. DECLARATIONS OF INTEREST

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

185. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 19 February 2014 was submitted, approved as a correct record and authorised for signature.

186. 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
13/01592/FLL	187(1)(i)
13/01616/FLL	187(2)(i)
13/01698/FLL	187(2)(ii)
13/01976/FLL	187(2)(iii)
13/02177/FLL	187(2)(iv)

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

187. APPLICATIONS FOR DETERMINATION

(1) Application previously determined

(i) 13/01592/FLL – PERTH – Variation of Condition 5 of consent 03/00272/FUL at the Co-operative, 17 Darnhall Drive, Perth – Co-operative Group – Report 14/101

In terms of Standing Order 53, Councillor W Wilson, one of the local members representing Ward 10, addressed the Committee and, following his representation, withdrew to the officers' benches.

Resolved:

Grant, subject to the following conditions:

1. The delivery of bakery and newspaper goods may take place outwith the hours of 07.30hrs to 19.00hrs Mondays to Saturdays up to a maximum of two deliveries per day. These deliveries are limited to the entrance at Darnhall Drive and must be carried out in accordance with the attached Management Plan dated 6 January 2014.
2. The delivery of all other goods to the premises shall take place between 07.30hrs to 19.00hrs Mondays to Saturdays and at no other times, without the prior written consent of the local Planning Authority. These deliveries must be carried out in accordance with the attached Management Plan dated 6 January 2014.

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 planning permission will last only for three years from the date of the decision notice, unless the development starts 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.

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

3. Once the development is completed 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 was made aware that the display of any signage on the building will require a separate application for Display of Advertisement Consent.

(2) Local Applications

(i) 13/01616/FLL – MEIGLE – Change of use of private amenity land to garden ground, land South East of Deanfield, Meigle – Stuart and Sharon Murchie – Report 14/102

K McGuire, agent on behalf of the applicant, followed by Mr A Fraser, on behalf of 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. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 3 of the Town and Country Planning (General Permitted Development Order) (Scotland), 1992 or any Order revoking and re-enacting that Order shall be erected within the application site without the prior written approval of the Council as Planning Authority.
2. Replanting of trees shall be undertaken on the site in full accordance with the restocking obligations required under the Felling Licence Ref. No. CB150567 and within the timescale set down in that licence, namely by 30 June 2016 and maintained for a period of 10 years, all to the satisfaction of the Council as Planning Authority.
3. All existing trees on the site shall be retained and no trees shall be lopped, topped or felled without the prior approval in writing 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 justify a departure therefrom.

Informative

The applicant is advised to take full account (and action as necessary) of The Wildlife and Countryside Act 1981, Conservation (Natural Habitats, &c.) Regulations 1994, and Nature Conservation (Scotland) Act 2004 in relation to protected

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

species and their associated habitats, which may be present within the site. As a result, if there is any subsequent knowledge of protected species at the site (in particular bats and red squirrels), it is recommended to consult Scottish Natural Heritage in the first instance. The applicant is further advised that there may be a requirement to employ a suitably qualified consultant to undertake a survey to both ascertain if a license is required and ensure protected species are suitably protected.

(ii) 13/01698/FLL – TROCHRY – Installation of a run-of-river hydroelectric scheme and associated works at River Braan Hydro Scheme, Trochry – RWE Npower Renewables – Report 14/103

N Brian, Development Quality Manager, requested that the Committee, should they be minded to approve the application, also approve an additional Condition 31: as undernoted:

31. All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.

A Logie, applicant, followed by Miss L Simpson, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and T Gray) – Defer, for further information on: (i) access arrangements to enable cleaning of the weir; and (ii) the positioning and visibility of the tailrace infrastructure including alternative options considered.

Amendment (Councillors J Kellas and J Giacobazzi) – Grant, subject to the terms and conditions contained in Report 14/103 with the additional Condition 31.

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

3 members voted for the Amendment as follows:
Councillors J Giacobazzi, J Kellas and G Walker.

10 members voted for the Motion as follows:
Councillors T Gray, B Band, H Anderson, M Barnacle, I Campbell, D Cuthbert, Ann Gaunt, C Gillies, A Livingstone and M Lyle.

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

Amendment – 3 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

(iii) 13/01976/FLL – SCOTLANDWELL – Variation of condition No 8 of planning permission (Ref10/00134/FLL) to revise the visibility splays, land north of Kilmagadwood Cottage, Scotlandwell – Bowmont Capital Partners LLP – Report 14/104

N Brian, Development Quality Manager, requested that the Committee, should they be minded to approve the application, also approve an amendment to Condition 1: as undernoted:

1. Visibility splays of 2.4m x 59m to the west and 2.4m x 43m to the east measured from the centre line of the new access shall be provided along the nearside channel of the A911 and thereafter maintained free from any obstruction of a height exceeding 1.05 metres reducing to 600mm above carriageway all as per visibility requirements on page 33 of Designing Streets. In order to maintain the vertical sight line to the west the existing stock proof fence situated within the visibility splay shall either be removed or re-positioned to the south outwith the splay indicated in the abovementioned drawing to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses approved under planning consent 10/00134/FLL and the modifications under consents 13/00903/FLL and 13/01425/FLL.

Mr Christie and Mrs Hawryszczuk, objectors to the application addressed the Committee, and, following their respective representations, withdrew to the public benches

Resolved:

Grant, subject to the following condition:

1. Visibility splays of 2.4m x 59m to the west and 2.4m x 43m to the east measured from the centre line of the new access shall be provided along the nearside channel of the A911 and thereafter maintained free from any obstruction of a height exceeding 1.05 metres reducing to 600mm above carriageway all as per visibility requirements on page 33 of Designing Streets. In order to maintain the vertical sight line to the west the existing stock proof fence situated within the visibility splay shall either be removed or re-positioned to the south outwith the splay indicated in the abovementioned drawing to the satisfaction of the Planning Authority prior to the

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

occupation of the dwellinghouses approved under planning consent 10/00134/FLL and the modifications under consents 13/00903/FLL and 13/01425/FLL.

Justification

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

Informative

All other conditions relating to planning consents 10/00134/FLL, 13/00903/FLL and 13/01425/FLL shall continue to apply.

(iv) 13/02177/FLL – KELTYBRIDGE – Erection of two detached dwellinghouses at Plot Adjacent to 27 Main Street, Keltybridge – Pelaton Ltd – Report 14/105

Mr T Hughes, Agent, and Mrs M Traylor, objector to the application addressed the Committee, and, following their respective representations, withdrew to the public benches

Motion (Councillors J Giacobazzi and A Livingstone) – 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.**
- 3. Prior to the occupation or use of the approved development the vehicular accesses shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the Planning Authority.**
- 4. Prior to the occupation or use of the approved development turning facilities shall be provided within each plot 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 each plot.**
- 6. Storm water drainage from all paved surfaces, including the accesses, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.**

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

- 7. The approved landscaping and planting scheme shall be fully implemented within six months of the completion of the development and thereafter maintained by the applicants or their successors to the satisfaction of the Planning Authority.**
- 8. 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.**
- 9. Prior to commencement of work on site the applicant shall provide details of an intrusive site investigation to be carried out and completed in consultation with and approved by the Coal Authority.**

Justification

It is considered that despite the proposal being contrary to the Perth and Kinross Local Development Plan 2014 there are other material considerations which justify a departure from the Development Plan.

Procedural Notes

Prior to issue of consent the applicant shall provide an education contribution of £12 790 or it may be possible to defer this payment through the completion of a suitable legal agreement with the Council.

Informatives

- 1. The planning permission will last only for three years from the date of the 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**

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

- 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 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.**
 6. **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.**
 7. **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.**

Amendment (Councillors M Barnacle and D Cuthbert) – Refuse on the basis that the proposal is contrary to the:

- (i) Perth and Kinross Local Development Plan 2014, Policy PM4 as the proposal is immediately adjacent to but out with the settlement boundary. The Local Development Plan has recently been adopted and there would be a risk of creeping development.
- (ii) Housing in the Countryside Guide 2012 in that the categories for housing in the countryside are not met. .

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

3 members voted for the Amendment as follows:

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

Councillors M Barnacle, I Campbell and D Cuthbert.

10 members voted for the Motion as follows:
Councillors T Gray, B Band, H Anderson, A Gaunt,
J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle and
G Walker.

Amendment – 3 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

- (v) **13/02371/FLL – PERTH – Modification of existing consent (12/00228/FLL) to amend Condition 5 to allow convenience sales at Unit 7A, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Aldi Stores Limited and D King (Properties) Limited – Report 14/106**

Resolved:

Grant, subject to the following condition:

1. The consent relates solely to Unit 7A and is restricted to Aldi Stores Limited only 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 therefrom.

Informative

This application related to consent for the variation of Condition 5 of consent 12/00228/FLL to allow convenience retailing to take place in Unit 7A. Conditions 3 and 4 of 12/00228/FLL relate solely to the approved convenience store located within Unit 7B.

- (vi) **13/02372/FLL – PERTH – Installation of servicing pod, amendments to car parking areas and other ancillary works Units 6 and 7A, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Aldi Stores Limited and D King (Properties) Limited – Report 14/107**

Resolved:

Grant, subject to the following condition:

1. The proposed development will be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
19 MARCH 2014

Justification

The proposal was 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. 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)).

~~~~~