

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 18 June 2014 at 10.00am.

Present: Councillors T Gray, B Band, H Anderson, M Barnacle, I Campbell, J Giacobazzi, C Gillies, A Jack (substituting for Councillor D Cuthbert), J Kellas, A Livingstone, E Maclachlan (substituting for Councillor G Walker), D Melloy (substituting for Councillor M Lyle) and L Simpson (substituting for Councillor A Gaunt) (up to and including Art. 442(1)(v)).

In Attendance: Councillor A Grant (Art. 442(1)(v) only); N Brian, B Stanford, J Thomson, S Dunn, K McKenzie and M Barr (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies: Councillors D Cuthbert, A Gaunt, M Lyle and G Walker.

Councillor T Gray, Convener, Presiding.

438. WELCOME AND APOLOGIES/SUBSTITUTES

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

439. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

440. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 14 May 2014 (Arts. 330-334) was submitted, approved as a correct record and authorised for signature.

441. 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
14/00236/FLL	442(1)(ii)
14/00278/FLL	442(1)(iv)
14/00303/IPL	442(1)(v)
14/00474/FLL	442(1)(vi)

442. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 11/01284/FLL – STRATHMIGLO – Excavation and levelling of land to form farm yard storage area (in retrospect) on land 60 metres North West of North Cottage, Glentarkie, Strathmiglo – Mr D Black - Report 14/265**

Resolved:

Grant, subject to the following conditions 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. No storage of chemicals or slurry shall be undertaken on the site. Only the storage of farm machinery and straw bales shall be undertaken on the site and no other storage shall take place without the prior approval of the Planning Authority.
3. Within 2 months of the date of this consent, the applicant shall submit details in writing for the prior approval of the Council as Planning Authority showing the arrangements for the interception and drainage of water run-off from the site to the public road. The details as approved shall be fully implemented to the satisfaction of the Council as Planning Authority within 4 months of the date of this consent. For the avoidance of doubt no storage shall take place on the site until these works are completed.
4. Prior to the use of the excavated area for any storage purposes, the vehicular access shall be consolidated, surfaced and drained in accordance with details submitted in writing to the satisfaction of the Council as Planning Authority and a turning area provided within the site and visibility splays provided at the access junction with the public road all to the satisfaction of the Council as Planning Authority and permanently maintained thereafter.
5. Prior to the use of the excavated area details shall be lodged for the treatment of the excavated materials deposited on the site and such detail as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority
6. Details of landscape treatment of the application site shall be provided prior to commencement of the use of the excavated area. 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.

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7. Details of the measures proposed for the safeguarding of a private water source, private water supply storage facilities and private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted within 4 weeks of this approval to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before further site works commence and shall be so maintained throughout to completion.

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. The applicant should be aware that the erection of any structures on the site will require the benefit of formal planning consent.
2. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or infrastructure in the development area are honoured throughout and after completion of the development.

(ii) 14/00236/FLL – LEETOWN – Erection of agricultural building at land 160 metres North East of Carseview, Leetown, Glencarse – Mr A Baptie - Report 14/266

Mr A Baptie, applicant, addressed the Committee, and, following his representation, 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. The agricultural building is to be used solely for general agricultural storage only and at no time shall be used for any other commercial purpose, accommodating livestock or a workshop, to the satisfaction of the Council as Planning Authority.
3. All plant or equipment contained within the building 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 residential premises, with all windows

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slightly open, when measured and/ or calculated and plotted on a rating curve chart, 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 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. 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. 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.

(iii) 14/00275/FLL – KINROSS – Erection of 33 retirement apartments, communal facilities, car parking, landscaping and associated works on land north of the Green Hotel, The Muirs, Kinross – McCarthy & Stone - Report 14/267

N Brian, Development Quality Manager, advised the Committee that, should they be minded to approve the application, they also approve an additional Condition 10 to consolidate the re-use of the existing stone at the entrance to the development.

Resolved:

Grant, subject to the following conditions 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. The white render on the elevation to The Muirs is not approved and an alternative finish shall be agreed in writing with the Planning Authority. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval

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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. The approved hard and soft 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 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.
4. Only the trees shown for removal in the Arboricultural Report by Ian Keen Ltd dated 13 February 2014 shall be removed and any work to the remaining trees, further planting and tree protection measures during construction shall be in accordance with the above report. A monthly Arboricultural Report carried out at the applicant's expense shall also be submitted throughout the construction period reporting on compliance with tree protection measures, all to the satisfaction of the Planning Authority.
5. 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.
6. The development shall not be occupied until the applicant has secured a sewer connection for foul drainage.
7. Prior to commencement of work on site the applicant shall submit full design details of the Sustainable Urban Drainage System (SUDs) in accordance with best management practice.
8. The existing footpath immediately within the western edge of the site shall be maintained and the low wall beside it repaired to the satisfaction of the Planning Authority.
9. The development hereby approved shall be for sale or let as retirement flats only and shall not be sold or let as mainstream residential accommodation.
10. The stone removed from the boundary wall to form the vehicular access/site entrance shall be re-used in the entrance gate piers, all in accordance with details to be submitted to and approved in writing by the Council as Planning Authority, prior to the commencement of any works on site.

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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Procedural Note

Prior to issue of consent the applicant shall make a financial contribution towards affordable housing provision of £123 750. A deferral of this payment may be acceptable through the negotiation of a suitable legal agreement with the Council.

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. 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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.
5. 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.

(iv) 14/00278/FLL – BLAIRINGONE – Erection of stable building (temporary for two years) (in retrospect) at Dollar Equestrian, Blairingone – Dollar Equestrian - Report 14/268

N Brian, Development Quality Manager, advised the Committee that the word “building” in Condition 5, should read “buildings”.

Mrs J Pye, objector to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. Consent is hereby granted for a period of 2 years only from the date of this decision notice. Upon the expiry of

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- the 2 years, the stables shall be removed and the land reinstated to the satisfaction of the Council as Planning Authority.
2. 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.
 3. The stables hereby approved shall be used solely for housing the applicant's horses and at no time shall they be occupied in a commercial capacity.
 4. Any 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.
 5. An effective waste management plan for the stable buildings will be in place for the storage and removal of manure, to ensure that odour is kept to a minimum.
 6. The delivery and collection of goods and horses at the stables shall take place between 0700 and 2100 Monday to Saturday and 0900 and 1900 on Sunday and at no other time.

Justification

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

Informatives

1. The applicant is advised that the proposed development lies within a coal mining area which may contain unrecorded mining related hazards.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

(v) 14/00303/IPL – COUPAR ANGUS – Residential development (in principle) at land 70 metres West of Highfield, Beech Hill Road, Coupar Angus – Mr W Abernethy - Report 14/269

B Stanford, Projects Team Leader, drew the Committee's attention to Paragraph 2 of Report 14/269 whereby it stated that "vehicular access to the site will be from Beech Hill Road and not directly off the A923". That could be conditioned. He also advised that, should the Committee be minded to approve the application, an additional informative would be added advising that improvements to the road would be carried out at the developer's expense.

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Mr D Macdonald, agent on behalf of the applicant and Mr D Roche, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor A Grant, one of the elected members representing Ward 2, addressed the Committee, and, following his representation, withdrew to the officers' benches.

Motion (Councillors T Gray and J Kellas) – Grant, subject to the following conditions and informatives 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, the car parking and means of access to the site. The landscaping shall include the provision of a tree belt along the northern boundary of the site alongside the A923.**
- 2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with Perth and Kinross Heritage Trust.**
- 3. The proposal must comply fully with the requirements of the Council's approved Developer Contributions Document 2012, or any subsequent policy in relation to Primary Education contributions.**
- 4. The proposal must comply fully with the requirements of the Council's approved Affordable Housing Supplementary Guidance 2012, or any subsequent policy in relation to Affordable Housing provision.**
- 5. All matters regarding access, car parking, 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 Council as Planning Authority.**

- 6. The number of houses proposed is not approved as part of this consent; and access to the site shall be taken from Beech Hill Road and not from the A923.**

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. 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. 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.**
- 2. The applicant should be aware of the contents and requirements of the memorandum from the Head of Environment and Regulatory Services dated the 5 March 2014.**
- 3. The number of houses which can be accommodated on the site will in part be determined by the capacity of the access road which may require to be improved at the developer's expense.**

Amendment (Councillors D Melloy and A Jack) – Refuse, on the grounds that the application is contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014 in that due to road safety issues along Beech Hill Road, existing residential amenity will not be protected or improved.

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

4 members voted for the Amendment as follows:
Councillors A Jack, L Simpson, A Livingstone and D Melloy.

9 members voted for the Motion as follows:
Councillors T Gray, B Band, H Anderson, M Barnacle,
I Campbell, J Giacomazzi, C Gillies, J Kellas and E Maclachlan.

Amendment – 4 votes

Motion – 9 votes

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Resolved:

In accordance with the Motion.

COUNCILLOR L SIMPSON LEFT THE MEETING AT THIS POINT.

- (vi) **14/00474/FLL – MILNATHORT – Removal of condition 3 (occupancy) from planning permission 08/01141/FLL Erection of a dwellinghouse, straw shed and stable block at Wester Tillyrie Steadings, Milnathort – Mrs J McGregor - Report 14/270**

N Brian, Development Quality Manager, advised the Committee that Condition 3 of Report 14/270 should be withdrawn as it was superfluous to requirements.

Mrs D Thomson, on behalf of the applicant and Mr P Maddocks, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions as undernoted:

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. The means of disposal of surface water drainage from buildings and the site shall accord with the details set out in the detailed Drainage Report accompanying application 08/01141/FLL unless otherwise approved in writing by the Planning Authority.

Justification

It is considered that there are significant material considerations which have provided sufficient justification for the removal of the occupancy condition on consent 08/01141/FLL in accordance with Scottish Government advice.

- (vii) **14/00530/FLL – DUNBLANE- Alterations to dwellinghouse, Lyleston, Cromlix, Dunblane – Mr and Mrs M Lyle - Report 14/271**

Resolved:

Grant, subject to the following condition:

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.

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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.

(viii) 14/00574/FLL – GRANDTULLY – Subdivision of existing domestic property into two residential units at Taigh Laruin (Unit 5), Laidnaskea, by Grandtully – Mr P Davis - Report 14/272

Motion (Councillors I Campbell and A Jack) – Grant, subject to the conditions contained in Report 14/272 with parking to be at the rear of the property only and the proposed French window is not approved.

Amendment (Councillors J Kellas and J Giacopazzi) – Grant, subject to the following condition:

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.**

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**

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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. An application for Building Warrant may be required.**
- 4. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD**

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

6 members voted for the Amendment as follows:
Councillors T Gray, B Band, H Anderson, J Giacomazzi, J Kellas and E Maclachlan.

6 members voted for the Motion as follows:
Councillors M Barnacle, I Campbell, A Jack, C Gillies, A Livingstone and D Melloy.

Amendment – 6 votes

Motion – 6 votes

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

Resolved:

In accordance with the Amendment.

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