

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
10 SEPTEMBER 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 10 September 2014 at 10.00am.

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

In Attendance: A Baxter, N Brian, S Callan, J Thomson, B Stanford, K Steven, and K Stirton (all The Environment Service); C Elliott, G Fogg (from Art. 605(2)(iii)), P Frazer (all Chief Executive's Service).

Apologies: Councillors T Gray and D Cuthbert

Councillor B Band, Vice-Convener, Presiding.

601. WELCOME AND APOLOGIES

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

602. DECLARATIONS OF INTEREST

There were no declarations of interest.

603. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 13 August 2014 (Arts.536-540) was submitted, approved as a correct record and authorised for signature.

604. DEPUTATIONS

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

Planning Application No.	Art. No
13/02120/FLM	605(1)(ii)
14/00123/IPL	605(2)(i)
14/00769/FLL	605(2)(ii)
14/01161/FLL	605(2)(iv)

605. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 10/01360/IPM – BLAIRGOWRIE – Residential development and associated works (in principle) at Land 220 Metres South West of Entrance to Maple Place, Blairgowrie – Report 14/378 – Stewart Milne Group and Petrie Family**

Resolved:

Grant, subject to the following conditions and informatives:

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, the landscaping of the site, all means of enclosure, 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 Document 2012 and Policy PM3 of the Local Development Plan 2014, or any subsequent policies / guidance in relation to Primary Education contributions.
3. The proposal must comply fully with the requirements of the Council's approved Affordable Housing Supplementary Guidance 2012 and Policy RD4 (Affordable Housing of the Local Development Plan 2014), or any subsequent policies / guidance in relation to Affordable Housing.
4. 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.
5. Notwithstanding the terms of condition 1, a maintenance plan for the existing water course (which addresses potential changes in existing flow in the event of overtopping of the culvert/upstream pond) the must be submitted for approval in writing by the Council, in consultation with SEPA prior to the commencement of any works. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority.
6. A link road from Hazelwood Road and Berrydale Road must be incorporated into the detailed submission, to the satisfaction of the Council as Planning Authority. The new link road shall be readily available for use at a time agreed with the Council as Planning Authority. That agreement must take place prior to works commencing onsite.
7. Notwithstanding the terms of conditions 1 and 3, the development must comprise a reasonable mix of

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different housing types/sizes, including low cost housing 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. 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 is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.
3. 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.
4. Prior to the submission of an application for the approval of matters specified, or a detailed submission for this site, the applicant is strongly advised to seek advice from the Council as Planning and Roads Authority in terms of any proposed site layouts.

- (ii) **13/02120/FLM – BLAIRGOWRIE – Erection of polytunnels (partly in retrospect) at Rosemount Farm, Parkhead Road, Blairgowrie – Report 14/379 – The Co-operative Group**

N Brian, Development Quality Manager, advised the Committee of amendments to recommended Conditions 2 and 3. In

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recommended Condition 2 the drawing number should read 13/02120/27; and in recommended Condition 3 the word 'preceding' to be replaced with 'subsequent.'

Mr D Campbell and Ms K Wray, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions, including amendments to Conditions 2, 3, and 8 and an additional informative relative to Condition 2.

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. Planning consent is hereby granted for a period of 10 years only from the date of the decision notice. At the end of that period, all polytunnels (with the exception of those shown on drawing number 13/02120/27) shall be removed, and the ground reinstated to its former condition, all to the satisfaction of the Council as Planning Authority.
3. Prior to the 31 December each year, a detailed map identifying the coverage of polytunnels for the subsequent year must be submitted for the approval in writing by the Council as Planning Authority. The plan must indicate all the polytunnels which are to be erected and clearly indicate the type of tunnel in each location. The approved plan must be implemented in full, to the satisfaction of the Council as Planning Authority and shall not be amended in that calendar year, unless agreed in writing by the Council as Planning Authority. For the avoidance of doubt the coverage of polytunnels shall not exceed 25% of the site.
4. All internal vehicle tracks must not be surfaced with an impermeable surface and must clearly marked on the plan submitted in relation to condition 2 of this decision notice.
5. In the event that a polytunnel is not in use for a continuous period of 12 months, it shall be removed and the ground reinstated to its former condition, all to the satisfaction of the Council as Planning Authority.
6. For the avoidance of doubt, no polytunnel at any time shall be erected in the WHITE areas as shown on drawing number 13/02120/2. Any breach of the terms of this condition will result in immediate enforcement action being taken by the Council as the Planning Authority without further warning.
7. At all times, all polytunnels must be suitably maintained (in terms of their visual appearance), to the satisfaction of the Council as Planning Authority.

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8. No development shall take place on land which is intended to accommodate the erection of new polytunnels until the developer has secured the implementation of a proportionate 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.

Justification

The proposal is considered to be contrary to the Development Plan, however there are other material considerations which justify a departure there from.

Informatives

1. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
2. For the avoidance of doubt, the removal of the polytunnels in line with condition 2 may not be required in a situation where this consent was successfully renewed prior to the current consent expiring

A BAXTER LEFT THE MEETING AT THIS POINT.

(2) Local Applications

- (i) 14/00123/IPL – MILNATHORT – Erection of a dwellinghouse in principle at Viewfar Road, Milnathort – Report 14/380 – Executors of the Late Arthur Falconer**

Mr M Myles, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

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Resolved:

Grant, subject to the following amended conditions and informatives:

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 Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (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 and surface water treatment.
3. The development shall be carried out in accordance with the recommendations of the Tree Survey Report carried out by Eamonn Wall & Co dated July 2014 to the full satisfaction of the Planning Authority and only trees indicated in the Tree Report for removal shall be felled.
4. The design of the dwellinghouse shall respect the scale and character of nearby surrounding properties to the satisfaction of the Planning Authority.
5. The development shall be in accordance with the requirements of the Perth and Kinross Council Education Contribution Policy 2012, all to the satisfaction of the Council as Planning Authority.
6. At the detailed planning stage the applicant shall submit a Biodiversity Report including a bat, bird and red squirrel survey for the approval of the Planning Authority in consultation with the Council's Biodiversity Officer.
7. Any suitable stone from the removal of part of the northern boundary wall shall be re-used within the development to the satisfaction 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.

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Informatives

1. 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.
2. The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Milnathort Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Any vegetation clearance that takes place between October and March inclusive must be preceded by a check for hibernating mammals, e.g. hedgehogs. Any mammals found should be wrapped in a towel and placed in a cardboard box with a dish of water and cat food and the SSPCA Animal Helpline 03000 999 999 should be contacted for advice and assistance.

(ii) 14/00769/FLL – WOLFHILL – Demolition of dwellinghouse and erection of four dwellings at Land 30 Metres North of 1 Dunsinnan Road, Wolfhill – Report 14/381 – Mr Mark Gooding

Mr F Purdie, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the commencement of any works on site, a detailed landscaping plan shall be submitted for the approval in writing by the Council a Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.
3. Prior to the occupation of any dwelling, the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on site, samples of all external finishes must be made available for inspection by the Council as Planning Authority and

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subsequent approval in writing. The approved details must be implemented in full, 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.

Procedural Notes

1. The formal decision notice must not be issued until such time as the applicant has either paid the required financial contributions or signed a legal agreement securing a delayed payment.
2. Where the contributions are by way of an up-front payment then if it is not concluded within 2 months of the date of the decision taken on this application, or 4 months in the case of a Section 75 legal agreement 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 unacceptable due to a lack of sufficient school capacity at Guildtown Primary School and the proposal would therefore be contrary to the Council's approved guidance on Primary Education and New Housing Development.*

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. An application for Building Warrant will be required.
5. 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

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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.

(iii) 14/00916/FLL – BLAIRGOWRIE – Change of use of outdoor space to beer garden, alterations to form external terrace, relocation of bin store and erection of a fence at 25 Allan Street, Blairgowrie – Report 14/382 – JD Wetherspoon PLC

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. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.
3. The external area shall not be operated any later than 2200 hours.
4. The refuse storage area for these premises shall be operated and maintained such that detriment is not caused to the amenity of occupiers or neighbouring premises.
5. All external lighting 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 is minimised, to the satisfaction of this Council as planning authority.
6. Details of the specification and colour of the proposed timber screen enclosure for the proposed bin area to be used shall be submitted for the approval of the Planning Authority prior to the commencement of this phase of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

Justification

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

Informative

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.

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(iv) **14/01161/FLL – RATTRAY – Erection of 4 dwellinghouses (change of house type in retrospect), Land to the North of High Street, Rattray – Report 14/383 – Springfield Properties PLC**

Mrs M Assenti, objector, addressed the Committee, and, following her representation, withdrew to the public benches

Resolved:

Grant, subject to the following conditions including an additional condition 5 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. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse (referred to as plots 1-4) are hereby revoked in full.
3. All associated landscaping elements shall be planted within the next available planting season to the satisfaction of the Council as Planning Authority.
4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
5. Notwithstanding the details shown on the approved plans, the eastern boundary of the site shall be subject to additional/replacement boundary treatment in the form of screen fencing and hedging all the satisfaction of this planning authority. For the avoidance of doubt the above details shall be submitted for the approval in writing of this planning authority within 4 weeks of the date of this consent and completed within 2 months of approval. However, any planting shall be undertaken within the first planting season following agreement of details and shall be of a semi-mature standard.

Justification

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

Informatives

1. 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.

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2. An application for Building Warrant will be required.

(3) Proposal of Application Notice (PAN)

- (i) 14/00005/PAN – CRIEFF – Mixed use development including residential, employment uses, open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities at land 300 metres south west of Tighnacaille, Broich Road, Crieff – Report 14/384 – Robert Simpson and Son**

Resolved:

The Committee noted the content of the PAN (Report 14/384).