

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
15 APRIL 2015

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 15 April 2015 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Kellas, M Lyle, E Maclachlan (substituting for Councillor J Giacomazzi) and A Munro (substituting for Councillor C Gillies).

In attendance: Councillor G Laing; M Barr, N Brian, A Condliffe, S Dunn and J Thomson (all The Environment Service); G Fogg, P Frazer and H Rheinallt (all Chief Executive's Service).

Apologies: Councillors Giacomazzi, Gillies, Livingstone and Walker.

Councillor T Gray, Convener, Presiding.

245. WELCOME AND APOLOGIES

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

246. DECLARATIONS OF INTEREST

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

247. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 18 March 2015 (Arts. 190-195) was submitted, approved as a correct record and authorised for signature.

248. 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.
14/01587/IPL	249(1)(ii)
15/00026/FLL	249(1)(iii)

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249. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 14/01241/FLL – AUCHTERARDER – Modification of permission 12/00431/FLM (Residential development) change of layout and house types on plots 1 to 11, 18 and 21 to 26 inclusive on land south east of Townhead, Auchterarder - Robertson Homes**

Resolved:

Grant, subject to the following conditions and informatives:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. The approved landscaping and planting scheme for the site shall be fully implemented within 6 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. Prior to occupation of the development the recommendations contained in the report titled 'Noise Impact Assessment, Townhead Farm, Auchterarder' dated 23 November 2011 from RMP shall be implemented to the satisfaction of the Planning Authority.
5. The houses shall be designed and constructed such that at the time of completion internal noise levels in bedrooms from road traffic noise shall not exceed L_{Aeq} 2300-0700 35dB, with windows open. In any bedroom where such a level is not achievable with windows open, sound insulating mechanical ventilators shall be installed. This would be in addition to any acoustic trickle ventilators to be provided. Details of the required noise mitigation shall be submitted for the approval of the Planning Authority prior to occupation of the development.
6. The development shall be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey dated October 2011 and the Bat Survey dated

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June 2012 by URS Scott Wilson to the satisfaction of the Planning Authority.

7. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation and use of the approved development.
8. Prior to the occupation and use of the approved development 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 Planning Authority.
9. Prior to the occupation or use of the approved development the passenger waiting facilities on the A284 opposite and adjacent to the new development access shall be upgraded to include new 3-bay enclosed bus shelters in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority.
10. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

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. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.

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Advice on the disposal of surface water must be sought at the initial stage of design from Scottish Water and the Scottish Environmental Protection Agency.

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.
6. 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)).

(ii) 14/01587/IPL – CAMPMUIR – Erection of a dwellinghouse (in principle) at site adjacent to 30 Holding, Campmuir – Mr W McAllister

Mr M Riddell-Webster and Mr A Robb, on behalf of objectors (E Alexander and the Smiths), all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors B Band and M Lyle) - Grant, subject to the following conditions and informatives, including an amendment to Condition 5 as undernoted:

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 2014, or any subsequent policy in relation to Primary Education contributions.**
3. **The proposal must comply fully with the requirements of the Council's approved Developer Contributions Document, Transport Infrastructure 2014, or any subsequent policy in relation to Transport Infrastructure contributions.**
4. **The dwelling must be single storey in its character and appearance with all living accommodation provided over one level only, all to the satisfaction of the Council as Planning Authority.**
5. **Notwithstanding the terms of condition 1, any application for the approval of matters specified must be accommodated by full drainage details relating to the disposal of both surface water and foul drainage, all to the satisfaction of the Council as Planning**

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Authority. For the avoidance of doubt such details shall clearly show how any impact on the drainage in the neighbouring land, including field drains, would be effectively addressed to avoid any adverse impact as a result of the development.

6. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Perth and Kinross Heritage Trust. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences, all to the satisfaction of the Council as Planning Authority.
7. For the avoidance of doubt, the matters referred to in condition 1 must include a vehicular access that is in accordance with specification Type B, Fig 5.6 access detail, to the satisfaction of the Council as Planning Authority.
8. For the avoidance of doubt, the indicative layout of the dwelling as shown on plan 14/01587/3 is not approved.

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 principles, 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 specific in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

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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. **The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.**

Amendment (Councillors A Munro and D Cuthbert) – Refuse, on the grounds that the application is contrary to Policy RD3 – Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2014 as it would contribute towards ribbon development.

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

7 members voted for the Motion as follows:

Councillors T Gray, B Band, I Campbell, A Gaunt, E Maclachlan, J Kellas and M Lyle.

4 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, D Cuthbert, and A Munro.

Motion – 7 votes

Amendment – 4 votes

Resolved:

In accordance with the Motion.

- (iii) **15/00026/FLL – TROCHRY – Modification of permission 13/01698/FLL (hydroelectric scheme and associated works) for amended powerhouse location at River Braan Hydro Scheme, Trochry – Gilkes Energy Ltd**

Mr C Pasteur, on behalf of the applicant, followed by Mr R Simpson, 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 modified location of the weir structure is contrary to Local Development Plan Policy PM1A and ER1 specifically section A in relation to the impact which the proposed weir structure will have on the visual integrity and tranquil qualities of the area around the top of the Rumbling Bridge Falls and to ER6 in relation to section A

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which requires development not to erode the visual and scenic qualities of the landscape and B which seeks to safeguard views and viewpoints from development that would detract from their visual integrity, identity or scenic quality.

2. The loss of trees along the river corridor to accommodate the temporary bridge would be detrimental to the visual amenity and landscape character of the area and as such the proposal is contrary to Policy PM1B, criteria (B) which seeks to ensure development respects the wider landscape character of the area, to Policy ER1 (A) relating to landscape character and to Policy ER6 (A) which seeks to ensure development does not erode the quality of the area's landscape.
3. The position of the weir and the loss of trees associated with the temporary bridge over the River Braan is detrimental to the landscape character of the area and as such the proposal is contrary to the Tayside Landscape Character Assessment which is referred to in Policy ER6 of the Local Development Plan 2014. This states that the landscape in this area is characterised by rapids, gorges and water falls and that important views exist along the river corridor. The river corridor and landscape character associated with it will be eroded to an unacceptable level with this modified scheme.

Justification

The proposal is not in accordance with the Development Plan and there are no material considerations which justify departing from the Development Plan.

(2) Proposal of Application Notice (PAN)

- (i) **15/00004/PAN – BRIDGE OF CALLY – Development of 11 turbine windfarm and associated works at Shieldrum Farm near Bridge of Cally, Perthshire**

Resolved:

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.

- (ii) **15/00008/PAN – PERTH – Park and ride facility with associated car parking at Walnut Grove, Kinfauns, Perth**

Resolved:

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issue be addressed in the planning application: the possibility of the Ninewells/Perth Royal Infirmary bus stopping at the facility.

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