

DEVELOPMENT MANAGEMENT COMMITTEE

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

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, A Gaunt, J Giacobazzi (up to and including Art. 488(3)(i)), C Gillies, A Jack (substituting for Councillor D Cuthbert), J Kellas (up to and including Art. 488(3)(i)), A Livingstone, M Lyle and G Walker.

In attendance: Councillors A Stewart (up to and including Art. 488(2)(ii)) and B Vaughan (up to and including Art. 488(3)(i)); N Brian, B Stanford, S Dunn, J Thomson, M Barr and C Brien (all The Environment Service); G Fogg, Y Oliver and A Heath (all Chief Executive's Service).

Apology: Councillor M Barnacle.

Councillor T Gray, Convener, Presiding.

483. WELCOME AND APOLOGIES

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

484. WITHDRAWAL OF APPLICATIONS

The Committee noted the following application had been withdrawn from the Agenda:

- (i) 1301379/FLL – KINROSS – Erection of eight dwellings with associated access road, parking bays, turning areas and drainage arrangements on Land 110 Metres South East of Beaufield, Balado, Kinross (Report 15/302) – S F Property**

485. DECLARATIONS OF INTEREST

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

486. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 10 June 2015 (Arts 393-397) was submitted, approved as a correct record and authorised for signature.

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487. 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.
14/01970/FLL	488(2)(i)
15/00525/FLL	488(2)(iii)

488. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) 15/00503/FLL – MILNATHORT – Erection of 5 flats and ancillary works, 2-12 Wester Loan, Milnathort – Report 15/301 – Waverco Ltd**

Resolved:

Grant, subject to (i) the provision of a fourth parking space, providing this can be accommodated with visibility splays which comply with the National Roads Development Guide; otherwise the development is approved as per the recommendation and (ii) the following conditions and informatives:

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 permission.
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. For the avoidance of doubt, the roof shall be finished in natural slate. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. Prior to commencement of work on site full details of the proposed boundary treatment including coping detail and external finish of the proposed stone wall shall be submitted for the approval of the Planning Authority.
4. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
 - I. the nature, extent and type(s) of contamination on the site

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- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.
5. Prior to the commencement of the development hereby approved, a detailed landscaping, and planting scheme for the site shall be submitted for the further written approval of the Council as Planning Authority. The scheme shall include full details of the species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
 6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
 7. No development shall commence on site until sufficient evidence has been submitted to and approved in writing by this Council as Planning Authority to demonstrate that the development will be for affordable housing. The development shall be in accordance with the requirements of the Council's Developer Contributions Supplementary Guidance in line with Policy PM 3: Infrastructure Contributions of the Perth and Kinross Council Local Development Plan 2014 (or any subsequent approved Policy), to the satisfaction of the Council as Planning Authority.
 8. Prior to commencement of development full details of the proposed cycle parking facility shall be provided for the approval of the Council as Planning Authority. The scheme as agreed shall be implemented, prior to occupation or use of the development, 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.

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Procedural Note

This proposal is for affordable housing and meets the requirements of the supplementary guidance. However should the development not proceed as affordable housing, contributions to both Affordable Housing and Education would be required, either as an up-front payment or through the negotiation of a Section 75 legal agreement.

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. Any alterations to the east wall of the existing stone lean-to building will require listed building consent as this wall is part of the curtilage of 3 Back Loan.
6. The developer is advised to incorporate flood proofing measures throughout the development as recommended in the Flood Risk Assessment Report to include the following:
 - Placement of electrical switch gear to a level at least 1.2m above existing ground level;
 - Use of flood protection measures such as:
 - Air brick and floor ventilation covers
 - Door flood barrier protection
 - Sewage backflow protection; and
 - Adoption of an electronic flood alarm system
 - Use of flood proof material throughout the ground floor.

(2) Local Applications

- (i) 14/01970/FLL- GLENFARG – Erection of four wind turbines, ancillary infrastructure and change of use of two dwellinghouses to offices at Binn Eco Park, Glenfarg – Report 15/303 – Element Power Northern Europe**

Mr J Ferguson and Mr S McAleese, on behalf of the applicants, followed by Ms C Convy and Mr A Menzies, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, for the following Justification and subject to conditions and informatives to be formulated by the Development Quality Manager:

- (i) The proposal is compliant with Scottish Planning Policy (SPP) 2014 – Paragraphs 74-83 Promoting Rural Development;
- (ii) The proposal complies with the TAYplan Strategic Development Plan 2012;
- (iii) The proposal complies with the Perth and Kinross Local Development Plan 2014 in that it is retaining and improving two listed buildings, namely, Catochil Farmhouse and Catochil Cottage and that it will support rural expansion.

Justification

The proposal is considered to comply with the Development Plan.

- (ii) 15/00346/FLL – PERTH – Change of use and alterations to former nurses' home to form 29 flats at Taymount Terrace, Perth – Report 15/304 – Chamberlain Bell Developments**

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 permission.
- 2. Prior to the commencement of the development hereby approved, a detailed site plan showing a minimum of 29 secure and covered cycle parking spaces shall be submitted for the further written approval of the Council as Planning Authority, including a timescale for implementation of the cycle parking as detailed on the plan.
- 3. Prior to the commencement of the development hereby approved, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the

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Council as Planning Authority. The plan shall include details of any proposed hard landscaping and soft landscaping and details of the proposed 3 private gardens. The approved details shall 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 therefrom.

Procedural Note

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not complete a legal agreement for its delayed payment within a 4 month period, the application will be refused.

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. This is approval of application 15/00346/FLL for planning permission only. It does not include any approval for the related Listed Building Consent (15/00350/LBC). Work should not commence, therefore, until Listed Building Consent has been received. Carrying out alterations without Listed Building Consent is an offence.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The proposed bin storage area should contain 5 x 1280 litre bins for general waste, 5 x 1280 litre blue lidded bins for dry missed recyclables and 2 x 240 litre wheeled bins

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for food waste. The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

(iii) 15/00525/FLL – TULLIEBARDINE – Erection of 3 holiday lodges on Land 150 Metres West of Pinnerwood, Tulliebardine, Auchterarder – Report 15/305 – Gleneagles Forestry Ltd

C Brien, Senior Planning Officer, advised the Committee that, should they be minded to approve the application, they also approve additional conditions relating to the retention of the beech hedge surrounding the site and ensuring that the 3 proposed lodges are used for holiday accommodation only.

R Johnston, agent on behalf of the applicant and Mr F Woods, objector to the application and also on behalf of other objectors addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors T Gray and J Kellas) – Grant, subject to the conditions and informatives contained in Report 15/305, together with the two additional conditions relating to the retention of the beech hedge surrounding the site and ensuring that the 3 proposed lodges are used for holiday accommodation only.

Amendment (Councillors A Gaunt and M Lyle) – Refuse, for the following reasons:

- (i) The proposed access to the site constitutes a road safety risk due to its proximity to the junction with Station Road;**
- (ii) The layout includes a lodge sited opposite the existing house on the other side of the public road which fails to respect that building and should have been located further to the east;**
- (iii) The grant of this application could set a precedent for further residential development on the south east of the carriageway;**
- (iv) The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 in that it does not contribute positively to the quality of the surrounding built and natural environment, nor does it respect the character and amenity of the place;**
- (v) The design of the holiday lodges, in particular the flat roofs, is inappropriate.**

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In accordance with Standing Order 44, a roll call vote was taken.
8 members voted for the Amendment as follows:
Councillors M Barnacle, I Campbell, A Jack, A Gaunt,
J Giacomuzzi, C Gillies, A Livingstone and M Lyle.

5 members voted for the Motion as follows:
Councillors T Gray, B Band, H Anderson, J Kellas and
G Walker.

Amendment – 8 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

(3) Proposal of Application Notice

(i) 15/00010/PAN – STANLEY – Residential masterplan for expansion of Stanley Village – Report 15/306

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issues be addressed in the planning application; (1) site access (with particular regard to the Western side); (2) road safety (with particular regard to Redrocks) and in general (3) car parking; (4) cognisance of cycle routes from outlying areas to Stanley village and possible inclusion on National Cycle Route; (5) possibility of a train halt; and (6) better retail provision.

(ii) 15/00011/PAN – PITLOCHRY – Proposed residential development on Land 300 Metres South East of Middleton of Fonab Cottages, Foss Road – Report 15/307

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

(iii) 15/00012/PAN – ALYTH – Installation of an underground electricity cable from Tullymurdoch Wind Farm to substation at Coupar Angus – Report 15/308

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

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