

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 14 October 2015 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacobazzi, J Kellas, G Laing (with the exception of Art. 670(1)(i) (substituting for Councillor H Anderson) , A Livingstone, M Lyle, A Munro (substituting for Councillor C Gillies) and G Walker.

In attendance: Councillor B Vaughan (up to and including Art. 670(1)(i)) A Condliffe, S Callan, D Niven, A Deans, S Dunn, M Barr and L Sheldon (all The Environment Service); C Elliott, Y Oliver and S Sinclair (all Corporate and Democratic Services).

Apologies: Councillors H Anderson and C Gillies.

Councillor T Gray, Convener, Presiding.

665. WELCOME AND APOLOGIES

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

666. WITHDRAWAL OF APPLICATIONS

The Committee noted the following application had been withdrawn from the agenda:

- (i) 15/00809/AMM – PERTH – Erection of 164 dwellings and associated works on land west of Cherrybank Gardens – Report 15/436 – Bellway Homes**

667. DECLARATIONS OF INTEREST

Councillor G Laing declared a non-financial interest in Art. 670(2)(i)(Item 5(2)(i) – 14/00002/WIND) in terms of the Councillors' Code of Conduct.

668. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 16 September 2015 (Arts 560-565) was submitted, approved as a correct record and authorised for signature.

669. DEPUTATIONS

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

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| Planning Application No. | Art. No. |
|---------------------------------|-----------------|
| 13/01379/FLL | 670(2)(i) |
| 15/01007/FLL | 670(2)(iii) |

670. APPLICATIONS FOR DETERMINATION

COUNCILLOR G LAING, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT.

(1) Section 36

- (i) 14/00002/WIND –BUTTERSTONE – Section 36 of the Electricity Act application for the erection of 17 x 125m high wind turbines and associated works at Dulater Hill Wind Park on land north of the A923 – Report 15/437 – Ecotricity Ltd**

Resolved:

Object, for the following reasons:

- 1 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, having regard to landscape character and setting within the immediate landscape and wider landscape character types, contrary to Policy 3 of TAYplan and Policies ER1A (a), ER6 (a) (b) of the Perth and Kinross Local Development Plan 2014.
- 2 The location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a), (b) (f) of the Perth and Kinross Local Development Plan 2014.
- 3 The proposal by virtue of the location, prominence, scale and layout of the proposed wind farm and its relationship to other wind turbine developments in the area would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A (a) (h), ER6 (a) (b) of the Perth and Kinross Local Development Plan 2014.

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- 4 The development does not contribute positively to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Highland Perthshire, contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014.
- 5 The application is contrary to Policy NE1B of the Perth and Kinross Local Development Plan 2014 as the visual and cumulative effects would erode the experience from popular viewpoints within River Tay (Dunkeld) National Scenic Area (NSA).
- 6 The application is contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014 as the noise levels predicted would have an adverse impact on the amenity of nearby residential properties.

Justification

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

COUNCILLOR G LAING RETURNED TO THE MEETING AT THIS POINT

(2) Local Applications

- (i) **13/01379/FLL – KINROSS – Erection of eight dwellings with associated access road, parking bays, turning areas and drainage arrangements on land at 110 metres SE of Beaufield, Balado, Kinross – Report 15/438 – S.F. Property**

A Condliffe, Applications Team Leader, requested the Committee that, should they be minded to approve the application, an additional Condition 13 be added, pertaining to planting not becoming established.

Mr B MacIntyre, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors J Kellas and T Gray) – Grant, subject to the terms and conditions contained in Report 15/438, and with an additional Condition 13 pertaining to planting.

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

- (i) Policies PM1A and PM1B(c) and RD1(a) and (b) of the Perth and Kinross Local Development Plan 2014 as the proposal constitutes overdevelopment of the site and the height of the proposed dwellings being higher than the surrounding area. The proposal will not contribute positively to the quality of the surrounding built and natural environment; will not complement its surroundings in terms of appearance, height and scale; and will not respect the environs or the character of the area;**
- (ii) Policy PM2 due to the lack of a Design Statement where the proposal is for five or more dwellings;**
- (iii) Policy EP2 as the proposed site is at risk of flood from surface water. A Flood Risk Assessment is required to assess the effects of the development and possible mitigation measures;**
- (iv) Policy TA1B as the proposal has not addressed the lack of safe crossing facilities on the A977; and**
- (v) Policy CF1B as there is no provision for open space accessible to all users as an integral part of the development.**

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

7 members voted for the Amendment as follows:

Councillors M Barnacle, I Campbell, D Cuthbert, J Giacomazzi, A Munro, A Livingstone and M Lyle.

6 members voted for the Motion as follows:

Councillors T Gray, B Band, G Laing, A Gaunt, J Kellas and G Walker.

Resolved:

In accordance with the Amendment.

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- (ii) 15/00017/IPL – PERTH – Residential development (in principle) at site 30 metres SE of 38 Priory Place, Perth – Report 15/439 – Mr Dennis Robb**

Resolved:

Grant, subject to the following conditions:

- 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 For the avoidance of doubt, no design/layout details or specific residential numbers are approved as part of this permission.
- 3 Notwithstanding the requirements of Condition 1, the submission of an application seeking the approval of matters specified must include a noise impact assessment which must be carried out by a suitably qualified consultant.
- 4 Prior to the commencement of any 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) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify:
 - I. The nature, extent and type(s) of contamination on the site.
 - 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.
 - V. Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

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- 5 The proposal must comply fully with the requirements of the Perth and Kinross Council's approved Developer Contributions 2014 document, in relation to Primary Education Contributions, or any subsequent policy which relates to Primary Education Contributions.
- 6 The proposal must comply fully with the requirements of the Perth and Kinross Council's approved Developer Contributions, Transport Infrastructure 2014 document, in relation to Transport Infrastructure Contributions, or any subsequent policy which relates to Transport Infrastructure Contributions.
- 7 The proposal must comply fully with the requirements of the Perth and Kinross Council's approved Affordable Housing Supplementary Guidance 2014 in relation to affordable housing provision, or any subsequent policy which relates to Affordable Housing.
- 8 All matters regarding car parking, turning facilities, access design/specification and the disposal of surface water, must be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
- 9 Notwithstanding the requirements of Condition 8, adequate provision of off-street residential and visitor car parking must be provided within the detailed design of the proposed development, to the satisfaction of the Council as Planning Authority.
- 10 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.

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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 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.
- 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.
- 3 With regard to the requirements of Condition 2, the applicant is advised to make early contact with the Council's Environment Health team to agree the scope and requirements of the required noise impact assessment.
- 4 The applicant should be aware of the comments made by the Council's Waste Services in their memorandum dated 29 January 2015.
- 5 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.
- 6 Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before any development can commence.

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- 7 Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact Network Rail's Asset Protection Engineers regarding the above matters, on Network Rail Asset Protection Engineer, 151 St. Vincent Street, GLASGOW, G2 5NW, Tel: 0141 555 4087, E-mail - AssetProtectionScotland@networkrail.co.uk
- 8 The applicant is advised that the vehicular access to Network Rail's Perth Maintenance Depot and Signalling Centre via Carr's Croft must be kept clear at all times during the construction phase and no on street parking is permitted along Carr's Croft. Failure to do so, could result in direct action by Network Rail to remove any unauthorised parked vehicles/obstructions.

(iii) 15/01007/FLL – TIBBERMORE – Erection of 12 dwellinghouses Land at Marlefield Grove, Tibbermore – Report 15/440 – Ribbon Homes Ltd

A Condliffe, Applications Team Leader, advised the Committee that (i) Paragraph 48, second sentence of Report 15/440 should read ".....This is not excessive and would **not** cause any overshadowing of neighbouring properties....."; and (ii) the 1:2500 plan submitted with Report 15/440 was inaccurate (the correct plan was subsequently shown to the Committee).

Mr N MacFarlane, agent on behalf of the applicant and Mr C Webster and Mr D Armstrong, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the grounds that the proposal is contrary to:

- (i) Perth and Kinross Local Development Plan 2014, Policy PM1A as the density of the proposed development does not respect the character and amenity of the place. The proposal constitutes overdevelopment of the site;

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- (ii) Perth and Kinross Local Development Plan 2014, Policy PM1B(c) as the density of the proposed development will not complement its surroundings in terms of appearance and height. The proposal constitutes overdevelopment of the site;
 - (ii) Perth and Kinross Local Development Plan 2014, and Designing Streets: A Policy Statement for Scotland, 2010 in that the proposed single internal access road is not compatible with the amenity of the area..
- (iv) **15/01110/IPL – CROOK OF DEVON – Residential development (in principle) on land NW of Schiehallion – Report 15/441 – Mr D Shand, Mr G Shand and Ms C Shand.**

D Niven, Planning Officer, advised the Committee that Paragraph 62 of Report 15/441 made reference to the Crook of Devon Wastewater Treatment Works when it should have referred to Drum Wastewater Treatment Works.

Resolved:

Grant, subject to the following conditions:

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - b) The siting, design, layout, height and external materials of all buildings or structures;
 - c) A detailed Otter Survey undertaken by a qualified ecologist;
 - d) Details of vehicular access to the site, the provision of car parking spaces and turning facilities;
 - e) A detailed specification for the improvements to the surface of the existing shared access from the public road to the entrance of Nine Acres;
 - f) Details of the proposed surface water drainage scheme (SUDs);

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- g) Details of all proposed landscaping, planting, screening and boundary treatment;
 - h) Details of suitable storage for waste disposal/collection;
 - i) A detailed tree survey of all existing trees within and immediately adjacent to the development site.
- 2 The development shall be in accordance with the requirements of the Council's Developer Contributions Guide August 2014 and Policy PM3 of the Local Development Plan 2014, all to the satisfaction of the Council as Planning Authority.
- 3 The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance August 2014 and Policy RD4 of the Local Development Plan 2014, all to the satisfaction of the Council as Planning Authority.
- 4 The layout and number of dwellings illustrated on the proposed indicative layout are not approved by this consent.
- 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 Planning Authority.

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 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.

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- 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.
- 3 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.
- 4 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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. The applicant should also 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.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

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