

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 23 October 2019 at 10.00am.

Present: Councillors B Brawn, I James, H Anderson, B Band, E Drysdale, T Gray, D Illingworth, C Purves, C Reid, R Watters and W Wilson.

In Attendance: K Smith, A Condliffe, J Scott, A Bennie and D Salman (all Housing and Environment); G Fogg and D Williams (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle and R McCall.

Councillor B Brawn, Vice-Convener, Presiding.

516. WELCOME AND APOLOGIES

The Vice-Convener welcomed everyone present to the meeting.

517. DECLARATIONS OF INTEREST

Councillor E Drysdale declared a non-financial interest in Art. 520(2)(i).

518. MINUTES

The minute of meeting of the Planning and Development Management Committee of 24 September 2019 (Arts. 458-462) was submitted, approved as a correct record and authorised for signature.

519. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
19/00961/FLL	520(2)(i)

520. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/00907/AMM – AUCHTERARDER – Formation of neighbourhood equipped area for play (NEAP) (approval of matters specified in conditions of 16/01809/IPM) Phase 3B, land north east of Stewart Milne Homes, Hunter Street, Auchterarder – Report 19/290 – Stewart Milne Homes**

Mrs Donald, agent on behalf of the applicant, answered members questions then withdrew to the public benches.

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Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. The detailed landscaping and planting scheme which is hereby approved (plan ref 19/00907/16 and 17) shall be completed within the first available planting season (October to March) after the completion or bringing into use of the Neighbourhood Equipped Area of Play, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

3. All trees identified for retention (19/00907/2) and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local Planning Authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

4. Notwithstanding the submitted play equipment specification as per plan 19/00907/10; prior to the installation of any play equipment final detailed fixing and feet details shall be submitted to, and approved in writing by, the Council as Planning Authority in consultation with the Council's Community Greenspace team. The fixing

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and feet detail as approved shall be installed in accordance with the agreed detailing prior to the equipment being brought into use.

Reason – In the interests of sustainability and longevity of the play equipment and to ensure the play area is signed off and adopted as a Council asset.

5. Prior to the commencement of development, details shall be provided to, and approved in writing by, the Council as Planning Authority, in consultation with the Council's Structures and Flooding Team, confirming that the wider drainage network can accommodate the run off rates resulting from the proposed development hardstanding elements (19/00907/7).

Reason - In the interest of ensuring appropriate surface water drainage arrangements.

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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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 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 41 of the Development Management Procedure (Scotland) Regulations 2013. 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 41 the notice must be:

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- 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.
5. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

(2) Local Applications

(i) 19/00961/FLL – PERTH – Formation of decking (in retrospect), 14 Willowgate Drive, Perth – Report 19/291 – Mr D Bald

Mr James and Mrs Carmichael, objectors, followed by Mr Bald, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

HAVING DECLARED A NON-FINANCIAL INTEREST, COUNCILLOR DRYSDALE TOOK NO PART IN THE FOLLOWING DECISION.

J Scott, Team Leader, advised members of the following updates:

- (i) Paragraph 18 should refer to 11 representations from 7 properties and not 12 representation from 7 properties; and
- (ii) Paragraph 24 should refer to Condition 1 and not Condition 2.

Motion (Councillor T Gray and W Wilson)

Refuse, as the proposed development is contrary to Local Development Plan Policies RD1, PM1A and PM1B(c), on the basis that the design is inappropriate in part due to excessive height and subsequent impact upon the amenity of neighbouring properties.

Amendment (Councillor H Anderson and B Brawn)

Grant, subject to the following conditions and informatives contained in Report 19/291.

In terms of Standing Order 58 a roll call vote was taken.

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7 members voted for the Motion as follows:

Councillors B Band, T Gray, I James, C Purves, C Reid,
R Watters and W Wilson.

3 members voted for the Amendment as follows:

Councillors H Anderson, B Brawn and D Illingworth.

Resolved:

In accordance with the Motion.

- (ii) **19/01246/FLL – CRIEFF – Renewal of permission
15/01435/FLL (Erection of dwellinghouse, store, formation
of parking and bin store area), land north west of Orwell
Cottage, Academy Road, Crieff – Report 19/292 – J Brown**

Resolved:

Grant, subject to the following conditions and informatives:

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. The east and west areas of the site shall be developed concurrently and the dwellinghouse hereby approved shall not be occupied until the parking, bin store and passing place have been completed in their entirety and are available for use to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the positive benefits of the scheme are realised in order to improve the character and appearance of the Crieff Conservation Area.

3. The six parking spaces & bin store (identified on drwg 15/01435/15) shall be made available to residents of Academy Road and the properties which utilise the Academy Road access onto the A85 only. Prior to occupation of the dwellinghouse hereby approved, written details of the management of the parking and bin store area shall be submitted to and approved in writing by the Council as Planning Authority. The management plan, as approved in writing, shall be fully complied with to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the parking spaces result in an overall benefit to the parking and access situation on Academy Road in the interests of pedestrian and traffic safety.

4. Prior to the commencement of any development full details of any proposed boundary treatments for the bin store area and surface materials for the hardstanding areas shall be submitted to and approved in writing by the

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Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - In order to protect the character and appearance of the Conservation Area.

5. Prior to the commencement of any development a sample of the proposed natural stone, timber cladding, and profiled metal sheet roofing shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - In order to protect the character and appearance of the Conservation Area.

6. The store building shown on the western part of the site is not approved.

Reason - In the interests of residential amenity in that the proposed store is considered to have a significant loss of residential amenity on the neighbouring property.

Justification

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

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

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.

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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.

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