

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 17 January 2018 at 10.00am.

Present: Councillors B Brawn, H Anderson, B Band, M Barnacle, E Drysdale, T Gray, A Jarvis, R McCall, L Simpson, R Watters and W Wilson.

In Attendance: Councillor C Purves (up to and including Art ** (item 3(i)); N Brian, A Condliffe, C Brien, J Scott, M Barr, T Maric, L Reid and R Stewart (all The Environment Service); C Elliott and D Williams (all Corporate and Democratic Services).

Apologies: Councillors I James and M Lyle

Councillor B Brawn, Vice-Convener, Presiding.

. WELCOME AND APOLOGIES

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

. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 6 December 2017 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.	Art. No.
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17/00644/AMM	** (2)(i)
17/01227/FLL	** (3)(i)
17/01694/FLL	** (3)(iii)

APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) 16/02156/AMM – BRIDGE OF EARN – Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge of Earn – Report 18/5 – Taylor Wimpey East Scotland and GS Brown Construction Ltd**

This item was withdrawn from consideration prior to the meeting due to being called in by the Scottish Government.

(2) Major Applications

- (i) 17/00644/AMM – ALYTH – Erection of 27 dwellinghouses, garages and associated works (approval of matters specified in conditions 15/01177/FLL) on land south west of Alyth Primary School, St Ninian's Road, Alyth – Report 18/6 – Guild Homes (Tayside) Ltd**

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

Resolved:

Grant, subject to the following terms, 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.
2. Prior to the commencement of development an updated site plan shall be provided which shall include the road being installed hard up against the west application site boundary. Thereafter the road shall be installed in accordance with the approved plans prior to the completion of the last house associated with this application.
3. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented to the satisfaction of the Planning Authority.

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4. The drainage infrastructure approved under application 17/00784/FLL shall be constructed in accordance with the agreed scheme and be operational prior to the bringing into use of the development hereby approved.
5. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as 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.

Procedural Notes

1. Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 17/00644/AMM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.
2. The legal agreement to cover the developer contributions for the site as detailed by the developer contributions officer along with the transfer of the open space and one off payment associated with the maintenance of the open space to the Council.

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

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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. For information, foul flows only will be allowed to discharge to the public system. The developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
5. The applicant is advised that in terms of Sections 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. 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.
6. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
7. The applicant is advised that the granting of planning permission 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.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. Recycling facilities should be incorporated into the second phase of the H60 site to ensure the sustainable disposal of waste.
11. Play provision should be incorporated into the second phase of the H60 site to ensure the terms of the in-principle consent are met.
12. 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

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notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 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.

(3) Local Applications

(i) 17/01227/FLL – BLAIRINGONE – Change of use of agricultural shed and yard to general storage and distribution (class 6) at Lambhill, Blairingone – Report 18/7 – Barnhill Estates

Mr A Kinloch and Ms M Milne, objectors to the application, followed by Councillor C Purves, Local Member, addressed the Committee. Following their respective representations, Mr Kinloch, Mrs Milne and Councillor Purves withdrew to the public benches.

Motion (Councillors M Barnacle and R Watters) – Refuse the application for the following reasons:

- (1) The proposal is contrary to the Perth and Kinross Local Development Plan, Policy TA1B on the basis that (i) in terms of first criteria (a), the proposal has not been designed for the safety and convenience of all potential users due to the difficulties in HGV's accessing the site, and (ii) in terms of second criteria (b), a Transport Assessment has not been prepared assessing the impact of the development against mitigation proposals for the A977.
- (2) The proposal is contrary to the Perth and Kinross Local Development Plan, Policy PM1A in that the proposal does not contribute positively to the surrounding built and natural environment as it would intensify an industrial use in a rural location.
- (3) The proposal is contrary to the Perth and Kinross Local Development Plan, Policy ER6 as it does not reflect the rural characteristics of the area with an intensification of an industrial use.

Councillor W Wilson moved an amendment to defer the application for a site visit. Having failed to find a seconder, the amendment fell.

Resolved:

In accordance with the Motion.

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- (ii) **17/01626/FLL – GLENLYON – Change of use from holiday accommodation unit to dwellinghouse and ancillary bothy to holiday accommodation unit, siting of yurt to form a holiday accommodation unit and erection of ancillary sauna and shed for holiday accommodation use (in retrospect) at West Cottage Stables, Glenlyon, Aberfeldy, PH15 2PL – Report 18/8 – Mr Tim Cracknell**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
2. The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.
3. The holiday accommodation hereby approved (the yurt and the bothy) shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

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. An application for Building Warrant may be required.
2. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted

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to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

3. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out. Planning permission for a development does not provide a defence against prosecution under another Act.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on construction within a flood risk area.

(iii) 17/01694/FLL – MONEYDIE – Formation of a holiday park and siting of 20 accommodation units, erection of a reception/maintenance building, formation of car parking, landscaping and associated works on land north east of Kinvaid House, Moneydie – Report 18/9 – Mr Steven Mackie

Ms T Strang and Ms K Blackwell, objectors to the application; Mr G Black, Luncarty, Redgorton and Moneydie Community Council; followed by Mr S Mackie, applicant, and Mr C Miles, agent to the applicant, addressed the Committee. Following their respective representations, Ms Strang, Ms Blackwell, Mr Black, Mr Mackie and Mr Miles withdrew to the public benches.

Resolved:

Refuse, on the grounds that:

- (1) The proposal is contrary to Perth and Kinross Local Development Plan 2014, Policy ED3 criteria (c) as the proposal would not meet a specific need by virtue of its quality or location, and criteria (e) as it has not been demonstrated that the local road network is capable of accommodating the nature and volume of the traffic generated.

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- (2) The proposal is contrary to Perth and Kinross Local Development Plan, Policy EP8 as there are inadequate proposals for out of hours management and control of noise pollution.
 - (3) The proposal is contrary to Perth and Kinross Local Development Plan 2014, Policy TA1B on the basis that it is not easily accessible to all modes of transport, and will encourage reliance on private cars.
- (iv) **17/01862/FLL – PERTH – Change of use from retail unit to café/restaurant (class 3) and hot food takeaway at 19 County Place, Perth, PH2 8EE – Report 18/10 – Rhiannon Properties Limited**

Resolved:

Grant, subject to the following terms, 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.
2. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
3. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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. 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)).

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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. In accordance with Regulation 41 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.
5. An application for Building Warrant may be required.
6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. This application is for change of use only any external alterations for example shopfront alterations or the installation of a flue may require a further planning application.

(4) Proposal of Application Notice (PAN)

- (i) **17/00009/PAN – AUCHTERARDER – Erection of residential development, formation of open space, landscaping and associated infrastructure works on land north east of Stewart Milne Homes, Hunter Street, Auchterarder – Report 18/11 – Stewart Milne Homes Central Scotland**

Councillor T Gray highlighted local concern regarding existing traffic congestion in Hunter Street, and suggested measures to ease congestion be addressed.

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Councillor W Wilson highlighted the potential for site management and condition regarding potential mud on the road.

Members also noted the issues identified by the Interim Head of Planning's report.

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