

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
18 JANUARY 2017

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH on Wednesday 18 January 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle, G Walker and W Wilson (substituting for A Gaunt).

In Attendance: N Brian, A Condliffe, M Barr, T Maric, S Perfett, M Petrie and J Scott (all The Environment Service); C Elliott and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor A Gaunt.

Councillor T Gray, Convener, Presiding.

34. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

35. DECLARATIONS OF INTEREST

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

36. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 16 November 2016 (Arts. 794-798) was submitted, approved as a correct record and authorised for signature.

37. 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.
16/01239/FLL	38(2)(i)
16/01361/IPL	38(2)(ii)

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38. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 16/01809/IPM – AUCHTERARDER – Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle) on land at Castlemains Farm, Auchterarder – Report 17/19 - Stewart Milne Homes**

Resolved:

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

Direction

Perth and Council direct that subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

Conditions

1. The development shall not commence until the following matters have been approved by the 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. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
3. 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 the Planning Authority.
4. Prior to the commencement of any development on site, the details of the roads proposals and implementation programme shall be submitted for approval by the Planning Authority in accordance with the relevant Minutes of Agreement with Transport Scotland.
5. Prior to the occupation of any part of the development, infrastructure modifications to the A9 (T) Loaninghead Interchange, generally as indicated in DBA drawing 08007/SK/03, and the closure of central reserve gaps on the A9 (T) between the Loaninghead (A823) Interchange and the Aberuthven (A824) junction, shall be implemented to the satisfaction of the Planning Authority, after

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consultation with Transport Scotland - Trunk Road Network Management Directorate, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.

6. The submission of reserved matters referred to in Condition No 1 shall include control measures for noise, dust and odours. These measures shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses.
7. The submission of reserved matters referred to in Condition 1 shall include the detailed Ecological/Biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
8. 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 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 Planning Authority in agreement with Perth and Kinross Heritage Trust.
9. The submission of reserved matters referred to in Condition 1 shall include carbon emission reduction measures including the onsite use of renewables and/or low carbon technologies. Each dwelling shall be constructed to achieve a minimum 'EcoHomes' (or equivalent quality assured scheme as agreed by the Council) overall 'very good' standard comprising the following minimum elements:-
 - i. 'Excellent' standard in respect of energy credits.
 - ii. 'Excellent' standard in respect of water credit
 - iii. 'Very Good' standards in respect of the material credits.
10. Prior to the commencement of development the following carbon reduction details shall, together, be submitted to and approved in writing by the Council as Planning Authority:-
 - a) details of a 'Design Stage' type assessment in accordance with the BREEAM EcoHomes

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- (2006):Environmental rating for homes - Pre Assessment Estimator: and
- b) details of how the development will reduce carbon dioxide emissions to a level 15% below the level of emissions that would result from the predicted total energy demand through the use of on-site sustainable energy technologies, such as renewables and/or low carbon technologies
11. Following completion of the final dwelling within each phase, a Post Construction, type assessment and related certification confirm the 'EcoHomes' standard that has been achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development meets the requirements of conditions 11 and 12 (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures and technologies necessary to achieve the minimum 'EcoHomes' 'very good' standard shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.
12. The developer shall provide a continuous footpath link along Castlemains Road to the site of the new playing fields 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.

Procedural notes

Perth and Kinross Council direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

Consent shall not be issued until the Section 75 Agreement has been varied to take account of this application. 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 will 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.

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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. 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.
4. 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.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
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.

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8. The developer is advised to contact the Council's Community Waste Advisor in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.
- (ii) **16/01842/FLM – ALYTH – Deletion of condition 5 of permission 15/01177/FUL to remove the requirement for an equipped area of play on land north east and south east of Westpark, St Ninian's Road, Alyth – Report 17/20 - Guild Homes (Tayside)**

Motion (Councillors Gray and Livingstone) – Grant, subject to the terms, conditions and informatives contained in Report 17/20.

Amendment (Councillors I Campbell and W Wilson) – Refuse, as the proposal is contrary to:

- 1. Policy CF1B of the Perth and Kinross Local Development Plan 2014, in that the proposal seeks to remove appropriate formal open space. There is insufficient justification to warrant the removal of Condition 5.**
- 2. Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that the proposal would not contribute positively to the surrounding built and natural environment. The loss of a formal equipped play area would involve an increased distance of travel to an alternative play area.**
- 3. Policy RD1 of the Perth and Kinross Local Development Plan 2014 in that the proposal would not improve the residential amenity of the area due to the loss of the formal equipped play area. The loss of a formal equipped play area would involve an increased distance of travel to an alternative play area.**

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

8 members voted for the Amendment as follows:

Councillors B Band, H Anderson, M Barnacle, I Campbell, D Cuthbert, W Wilson, C Gillies and G Walker.

5 members voted for the Motion as follows:

Councillors T Gray, J Giacomazzi, J Kellas, A Livingstone and M Lyle.

Amendment – 8 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

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(2) Local Applications

(i) 16/01239/FLL – PERTH – Change of use and alterations from carpet warehouse to car storage and office (in retrospect) at Unit 1, Blair Street, Perth – Report 17/21 - A and B Taxis

Ms C Newton, objector to the application, followed by Mr J McCole, agent for the applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, 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.
2. Vehicles shall only enter or exit the building between the hours of 0700 hours to 1900 hours Monday to Saturday. There shall be no vehicle movements into or out of the premises on Sundays.
3. The hours of operations shall be restricted to 0700 hours to 1900 hours Monday to Saturday and no operations shall be undertaken on the premises on Sunday.
4. Within 2 months of the date of this consent, a Noise Management Plan shall be submitted to and approved in writing by the Council as Planning Authority. The plan as approved shall be fully implemented 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. 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.
2. An application for Building Warrant may be required.

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(ii) **16/01361/IPL – ABERNETHY – Erection of a dwellinghouse (in principle) on land south west of Strathview, Station Road, Abernethy – Report 17/22 - Mr J Wallace**

Ms K Wallace, objector to the application, addressed the Committee and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an additional informative 4 as follows:

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
2. Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.
3. Further to Condition 1 above, a Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:
 - (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
 - (b) in relation to every tree identified a schedule listing:
 - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
 - ii. any proposed pruning, felling or other work; and
 - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and

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- ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
 - (d) areas of existing landscaping to be protected from construction operations and the method of protection.
- 4. The layout illustrated on the submitted indicative layout is not approved by this permission.
- 5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
- 6. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with 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.

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. The developer is advised that a suitable surface water drainage scheme (SUDS) will need to be incorporated into

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any development. Please refer to the Council's guidance note on Flooding & Drainage June 2014.

4. Network Rail advises that the developer should be aware that access to the application site is via a bridge under the Ladybank junction to Hilton junction railway which has a low headroom of 3.6m. To avoid the risk of bridge strike by vehicular traffic, the developer must ensure that all construction traffic is suitable to use this bridge access.

(iii) 16/01866/IPL – PERTH – Erection of a dwellinghouse (in principle) on land east of 21 Fairmont Terrace, Barnhill, Perth – Report 17/23 - Mr and Mrs Wilson

Resolved:

Grant, subject to the following terms, conditions and informatives, including an additional informative 5 as follows:

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, height and external materials of all buildings or structures.
 - c) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
 - d) Details of all landscaping, planting, screening and boundary treatment.
 - e) A detailed tree survey to the requirements of BS 5837 2012 to indicate those trees required for removal and those to be retained.
 - f) A protected species survey of the entire site.
 - g) Details of a pedestrian refuge on the access road accommodated within the bellmouth access into the site to allow pedestrians and other recreational users to step off the KINL/3 core path to allow vehicles to pass which shall be formed prior to the commencement of any built development on site.
 - h) A construction management plan to ensure the protection and continued use of the KINL/3 core path during construction operations which shall include detailed repair and reinstatement measures for the core path following completion of construction operations.
2. In pursuance of condition 1c) the scheme shall include:

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- i) Turning facilities to enable all vehicles to enter and leave in a forward gear which shall be formed prior to the occupation of the dwellinghouse.
 - ii) A layout to accommodate a minimum of two car parking spaces which shall be formed prior to the occupation of the dwellinghouse.
 - iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse.
- 3. In pursuance of condition 1d) the scheme shall include:
The location of new trees, shrubs, hedges, grassed areas and water features.
 - i) A schedule of plants to compromise species, plant sizes and proposed numbers and density including robust planting on the north and west boundaries to provide privacy to neighbours and planting on the south boundary to allow a robust planting edge to the settlement to be formed.
 - ii) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure.
 - iii) All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the planning authority.
 - iv) Any planting which, within a period of 5 years from the completion of development, in the opinion of the planning authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.
- 4. In pursuance of condition 1(f) the scheme shall include:
 - a) A detailed tree survey and tree constraints plan in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. This survey shall ensure the retention of trees along the boundaries of the site to provide screening and containment to the site. The survey shall include all trees overhanging the access/core path.
 - b) The tree survey shall clearly indicate the location of trees and their crown spread which are within or bordering the site on a scalable plan, allocate them a reference number, provide an assessment of their general state of health and stability and provide details of any topping, lopping or felling required. Trees and shrubs on the north boundary should be

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- retained to provide a landscape boundary to the edge of the settlement.
- c) The tree constraint plan shall clearly detail the trees to be retained and identify their root protection area (RPA) on a scalable plan, the location of protective fencing for the retained trees shall be marked on this plan and a specification of the protective fencing provided. Any works required to be undertaken within the RPA of the retained trees shall be detailed. The tree constraint plan shall also show details of those trees proposed for removal.
 - d) That the erection of protective fencing shall be undertaken in accordance with the plan and fencing specification approved under section (b) of this condition before any equipment, machinery or materials are brought on to the site for the purposes of the development. Thereafter the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made unless details have been approved under paragraph (b) or written consent from the Planning Authority has been sought.
5. In pursuance of condition 1(f) the scheme shall include:
- a) A full protected species survey of the entire application site which shall be carried out by a suitably qualified ecologist and shall include detailed mitigation measures for any protected species identified.
6. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
7. The asserted right of way/core path (KINL/3) located along the vehicular access to the site and on the eastern boundary must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.
8. In pursuance of condition 1(h) the scheme shall include:

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A detailed Construction Management Plan which provides detail on how construction vehicles will utilise the core path/access track in conjunction with recreational users. The plan shall include detail of timings of deliveries to site, which shall be limited to agreed times. The document shall also include measures to ensure the repair and reinstatement of the path/track and the adjacent drainage ditch to its original condition following completion of the development. It should also detail that no material storage or vehicle parking is permitted within the newly formed pedestrian refuge. The plan shall also detail upgrades and works required to the track to allow access for construction vehicles to ensure there is no impact on the stability of the track and adjacent banking. The plans, as approved by the Planning Authority shall be strictly adhered to during the development of the site.

9. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
10. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with 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.

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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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.

2. 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. A watching brief during redevelopment is required in relation to contaminated land. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to and agreed in writing by the Council as Planning Authority.
5. The developer is advised that a suitable surface water drainage scheme (SUDS) will need to be incorporated into any development. Please refer to the Council's guidance note on Flooding & Drainage June 2014.

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