

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 20 November 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, E Drysdale, T Gray, D Illingworth, X McDade (substituting for C Purves), C Reid, R Watters and W Wilson.

In Attendance: M Lee (Housing and Environment) K Smith, A Condliffe, G Fogg and D Williams (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle, I James, and C Purves.

Councillor R McCall, Convener, Presiding.

579. WELCOME AND APOLOGIES

The Vice-Convener welcomed everyone present to the meeting.

580. DECLARATIONS OF INTEREST

Councillor E Drysdale declared a non-financial interest in Art. 583(2)(i).

581. MINUTES

The minute of meeting of the Planning and Development Management Committee of 23 October 2019 (Arts. 516-520) was submitted, approved as a correct record and authorised for signature.

582. DEPUTATIONS

There were no requests for deputations received.

583. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 19/00511/FLL – COTTOWN – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 5 (private access roads to adoptable standard) or planning permission 15/00150/FLL (erection of 4 dwellinghouses), land north of Cottown House, Cottown, Glencarse – Report 19/332 – J and C Khazaka**

Resolved:

Grant, subject to the following conditions and informatives:

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
20 NOVEMBER 2019

Conditions

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the commencement of the development, precise details of the proposed foul drainage arrangement shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full, and prior to the occupation of each dwelling.
Reason - In order to ensure that the site is adequately drained.
3. Prior to the commencement of any development on site, precise details of the proposed SUDS system shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall be implemented in full prior to the first house occupation.
Reason - In order to ensure that the site is adequately drained.
4. Prior to the commencement of any development on site, a detailed landscaping and boundary treatment plan (including timescales for implementation) shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall be implemented in full as the development progresses.
Reason - In the interest of proper site management and to ensure that the visual amenity of the area is protected.
5. Prior to the commencement of the development, precise details of the proposed design and specification of the proposed surfacing works (including surface water drainage) to the existing private access and details of the turning areas shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall be implemented in full prior to the occupation of the last dwelling.
Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow, and to ensure that works to the road do not adversely affect any existing property via flood risk.
6. For the duration of the construction phase, the existing private access shall be maintained to a standard which is comparable to the condition prior to construction works commencing. Prior to the commencement of the development, a photographic record of the condition of the existing access shall be submitted to the Council as Planning Authority. If any damage occurs during the construction phase, the developer shall remedy the

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
20 NOVEMBER 2019

damage within 14 days, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

7. Prior to the commencement of any development on site, full details of the colour of the wet dash render shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented in full prior to the occupation of each of the dwellings.

Reason - In order to protect existing residential amenity.

8. All plant or equipment associated with any air source heat pump shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to protect existing residential amenity.

9. Prior to the commencement of any development on site, an evaluation for the potential of the site to be affected by contamination by a previous use shall be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) shall be submitted to and agreed in writing 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;

- The nature, extent and type(s) of contamination on the site
- Measures to treat/remove contamination to ensure the site is fit for the use proposed
- Measures to deal with contamination during construction works
- Condition of the site on completion of decontamination measures.

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 shall be submitted to and agreed in writing by the Council as Planning Authority prior to the occupation of any dwelling.

Reason - In order to ensure that any land contaminates are adequately dealt.

10. Prior to the commencement of any development on site, detailed plans of the proposed works to the existing Right of Way shall be submitted to and agreed in writing by the Council as Planning Authority. The detailed plans must

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
20 NOVEMBER 2019

detail the route of the right of way between Dalreach (cottage) and the track south of Cottown House, the surfacing and any furniture thereon (e.g. gates), how the path links into other parts of the route to the north and south, and must show a path a minimum of 2.5m wide and of similar distance and of a similar or improved surface to that of the original path. The agreed details must be completed and made available for the public to use prior to the commencement of any other development on site.

Reason - In order to protect the existing Right of Way.

11. Prior to the commencement of the development, precise details of the proposed bin/recycling collections facilities shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full, prior to the occupation of the first dwelling.

Reason - In order to clarify the terms of this permission.

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).
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. An application for Building Warrant will be required.
5. The applicant should 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. Advice on the disposal of surface water must be

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
20 NOVEMBER 2019

sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency

6. With regard to the terms of Condition 10 of this decision notice, the applicant is advised to make early contact with the Council's Access Officers regarding the Right of Way to ensure it is not adversely affected by the development proposed. For the avoidance of doubt, any changes to the alignment of the path should not be onto another owner's land. The applicant should also be aware that any temporary restrictions to public access required during the construction of the dwellinghouses must be agreed in writing (and in advance of the restriction) with the Council as Planning Authority.
7. There is a Section 75 legal obligation associated with this planning permission, which relates to Primary Education and Transport Infrastructure contributions. A copy is available to view on the Council's Public Access portal.

(ii) 19/01387/FLL – BLAIRGOWRIE – Change of use from vacant land to form a vehicle storage area (in retrospect), Piob Mhor Workshop, 14 Mitchell Square, Blairgowrie– Report 19/333 – R and N Autocentre

Motion (Councillor T Gray and D Illingworth)

Grant, subject to the conditions and informatives contained in Report 19/333.

1st Amendment (Councillor B Brawn and W Wilson)

Grant, subject to alteration of Condition 4 contained in Report 19/333– Servicing of and deliveries to the site for storage purposes shall only be carried out between 7.00am and 7.00pm, Monday to Saturday.

2nd Amendment (Councillor H Anderson and X McDade)

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. **Prior to operations re-commencing at the site, a plan detailing the proposed surface of the site and layout of the vehicle storage area that enables all vehicles to turn and exit onto the public road in a forward gear,**

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
20 NOVEMBER 2019

shall be submitted to and approved in writing by the Council as Planning Authority. The approved plan shall be implemented prior to the re-commencement of the use and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site and to enable a vehicle to enter and leave the site in forward gear.

- 3. The hours of operations shall be restricted to 0700 hours to 1900 hours daily.**

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 4. Servicing of and deliveries to the site shall only be carried out between 0700 and 1900 hours daily.**

Reason - In order to safeguard the neighbouring residential amenity in the area.

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.**

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

3 members voted for the 1st Amendment as follows:
Councillors B Brawn, C Reid and W Wilson

4 members voted for the 2nd Amendment as follows:
Councillors H Anderson, B Band, E Drysdale and X McDade.

4 members abstained as follows:
Councillors T Gray, D Illingworth, R McCall and R Watters.

The 2nd Amendment therefore became the substantive Amendment.

5 members voted for the Motion as follows:
Councillors B Brawn, T Gray, D Illingworth, R McCall and R Waters.

6 members voted for the Amendment as follows:
Councillors H Anderson, B Band, E Drysdale and X McDade and C Reid and W Wilson.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
20 NOVEMBER 2019

Resolved:

In accordance with the Amendment.

(2) Proposal of Application Notice (PAN)

- (i) 19/00006/PAN – KETTINS – Erection of replacement poly tunnels, Colbeggie Farm, Kettins – Report 19/334 – Mr A Barrie**

Members noted the issues identified by the Head of Planning and Development's Report.

- (ii) 19/00007/PAN – PERTH – Erection of a replacement high school, with associated car parking, playgrounds and the relocation of existing sports pitches, Perth High School, Oakbank Road, Perth – Report 19/335 – Perth and Kinross Council**

Councillor Wilson requested that consideration be given to residential amenity, due to the proximity of the proposed development to existing low-rise domestic properties.

Councillor Wilson requested that consideration be given to parking, including during the construction phase, in addition to staff and student parking. Councillor Wilson also requested that consideration be given to road safety and speeding during the construction phase and the relationship of the staff and student drop-off in relation to pedestrian safety.

Councillor Wilson requested that consideration be given to drainage concerns at the site. Councillor Wilson also requested that consideration be given to tree/hedge landscaping, and also that consideration be given to floodlighting and noise from the proposed sports pitches, with regards to residential amenity of the neighbouring area.

Councillor Drysdale requested that particular attention is paid to safety of any possible demolition of the existing Perth High School building. Councillor Drysdale also requested that consideration be given to the scale of the proposal in relation to expected population growth.

Councillor Watters drew attention to the Climate Change Emergency motion agreed by Council on 19 June 2019, requesting that development was undertaken to the highest possible standard in relation to construction methods, materials and heating.

~~~~~