

# DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 10 August 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band, (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle and G Walker (up to and including Art. **\*\* (2)(i)**).

In Attendance: M Barr, H Belford, N Brian, A Condliffe, C Stewart and J Thomson (all The Environment Service); C Elliott, L Gowans and H Rheinallt (all Corporate and Democratic Services).

Councillor T Gray, Convener, Presiding.

Prior to the commencement of business:

**(i) Valedictory**

Councillor Gray referred to the imminent retiral of Mr John Thomson, Principle Engineer, The Environment Service and thanked him for his thirty years of service to Perth and Kinross Council. Councillor Gray wished Mr John Thomson a happy retirement.

**. WELCOME AND APOLOGIES**

The Convener welcomed everyone to the meeting.

**. DECLARATIONS OF INTEREST**

Councillor G Walker declared a financial interest in Art. **\*\* (2)(ii)** in terms of the Councillors' Code of Conduct.

**. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Management Committee of 13 July 2016 (Arts. **\*\***) was submitted, approved as a correct record and authorised for signature.

**. DEPUTATIONS**

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

**Planning Application No.**

16/00298/IPM

16/00863/IPL

**Art. No.**

**\*\* (1)(i)**

**\*\* (2)(i)**

## APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **16/00298/IPM – ERROL – Variation of Condition 1 of permission 13/00394/IPM (Development of Roadside Service Facilities (in principle)) to extend the time period for the commencement of the development at the Horn Farm, Errol, Perth, PH2 7SR – Mr Farquharson**

Mr K Farquharson, applicant and Mr M Myles, 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, including an additional informative 2 as undernoted:

1. The Council as Planning Authority directs that application(s) for the Approval of Matters Specified in Conditions relating to planning approval 09/01277/IPM shall be submitted to, and approved by the Planning Authority before the commencement of development in the following phased manner:
  - The application for Phase 1, hereby defined as the Horn Café relocation and all associated infrastructure and landscaping of the Approval of Matters Specified in Conditions shall be made no later than the expiration of 7 years from the date of the original grant of outline planning permission, dated the 3<sup>rd</sup> March 2010.
  - The application for Phase 2 (defined as all remaining building development proposal elements not concerning the Horn café/restaurant and farm shop proposals) shall be made no later than the expiration of 7 years and 6 months from the date of the original grant of outline planning permission dated 3<sup>rd</sup> March 2010; or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal.
2. 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.
3. The development hereby approved shall not commence until the drainage works have been provided to serve the development hereby permitted in accordance with details to be submitted to and approved by the Planning Authority in consultation with SEPA.

4. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust. 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.
5. The details to be submitted under Condition 2 above shall include a scheme of landscaping which shall, as a minimum, be 20 metres in depth around the boundary of the site or any variation to be approved by the Planning Authority.
6. All elements of the proposed development shall adhere to the following undernoted clauses:
  - The soundproofing of premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property.
  - All plant or equipment (including any ventilation system) 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 30 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 NR curve chart.
  - All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
  - An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial catering areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
7. All sketch layout and 3D images submitted in support of this and earlier submissions are purely illustrative only and are not approved.
8. 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.

9. Each phase of approved development shall ensure no landraising or the erection of solid boundaries within the 1 in 200 year floodplain identified on drawing number 16/00298/10.
10. The submission of supporting information and subsequent development of each phase shall be in full accordance with the recommendations contained within Perth and Kinross Council 'Developers Guidance Note on Flooding and Drainage' (June 2014); all to the satisfaction of the Council as Planning Authority.
11. Prior to the commencement of each phase of approved detailed development, a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures will be submitted to and be approved in writing by the Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development of that phase shall be fully undertaken in accordance with the agreed details.

#### **Justification**

The proposal is considered to part comply with the Development Plan and there are no other material considerations that would justify a departure there from.

#### **Informatives**

1. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the extended time limit of 3<sup>rd</sup> March 2017 and 3<sup>rd</sup> September 2017 respectively, 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.
2. The applicant should investigate the potential for linking the facilities within the development to the existing core path network as part of the submission for Approval of Matters Specified in Conditions.

## (2) Local Applications

### (i) **16/00863/IPL – Perth – Erection of a dwellinghouse (in principle) at land to the south of Witchhill, Kinnoull Terrace, Perth – Report 16/340 - Mr Munro**

Mr J Munro, applicant, addressed the Committee and following his representation, withdrew to the public benches.

#### **Resolved:**

**Refuse**, on the grounds that:

1. The proposal will adversely affect the density, character and visual amenity of the existing area by virtue of the physical limitations of the site to satisfactorily accommodate the development and associated requirements for access, parking, and turning and private amenity space. The proposal is therefore contrary to Policy RD1 and PM1B (b) and (d) of the Perth and Kinross Local Development Plan 2014 and Policy 2 of TAYPlan, which seeks to ensure development is compatible with the amenity and character of the area, considers and respects site topography and important views together with respecting an existing building line.
2. The prominent situation of the site and the associated density of the development in relation to adjacent residential properties would result in development that would have a detrimental impact on the character and appearance of the Kinnoull Conservation Area. The proposal is therefore contrary to Policy HE3 of the Perth and Kinross Local Development Plan 2014, Policy 3 of TAYPlan 2012 and salient guidance contained within Historic Environment Scotland Policy Statement June 2016, which all seek to ensure that the architectural and historic character of Conservation Areas will be preserved or enhanced, including protecting our existing cultural heritage from inappropriate development.
3. The proposal will have a detrimental impact on the setting of neighbouring listed buildings. The proposal is therefore contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, Environment & Resource Policy 3 of TAYPlan 2012 and guidance contained in Historic Environment Scotland Policy Statement June 2016, which seeks to ensure that the setting of listed buildings are safeguarded and our cultural heritage is protected from inappropriate development.

#### **Justification**

The proposal is considered to be contrary to the Development Plan and there are no material considerations which justify approval of the application.

COUNCILLOR G WALKER, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, LEFT THE ROOM AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM

(ii) **16/01127/FLL – ERROL – Extension to dwellinghouse at 29 Taybank Place, Errol, PH2 7PT – Report 16/341 – Mr Walker**

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

**Justification**

The proposal is in accordance with the Development Plan and there are no other material considerations which would justify a departure there from.

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