

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
21 NOVEMBER 2018

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 21 November 2018 at 10.00am.

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

In Attendance: A Condliffe, D Niven, J Scott, D Salman, L Reid, C Stewart and R Stewart (all Housing and Environment); G Fogg, D Williams and L Aitchison (all Corporate and Democratic Services).

Apologies: Councillors I James and W Wilson.

Councillor B Brawn, Vice-Convener, Presiding.

669. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

670. DECLARATIONS OF INTEREST

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

671. MINUTES

The signing of the minute of meeting of the Planning and Development Management Committee of 26 September 2018 (Arts. 601-605) was deferred to the next meeting.

672. DEPUTATIONS

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

Planning Application No.	Art. No.
18/01144/FLL	673(1)(ii)
18/01492/FLL	673(1)(iii)

673. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 18/01091/FLL – BLAIRGOWRIE – Erection of 3 dwellinghouses, land west of Darkfaulds Cottage, Blairgowrie – Report 18/380 – Kepranich Developments**

Resolved:

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

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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 the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
3. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
5. A minimum of 1 swift brick or swift nest box shall be incorporated into each dwellinghouse. Prior to commencement of the development hereby approved details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.
Reason - In the interests of enhancing biodiversity.
6. A minimum of 1 bat brick or bat nest box shall be incorporated into each dwellinghouse. Prior to

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commencement of the development hereby approved details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity. B

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

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.

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5. The applicant is advised that in terms of Sections 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 sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. 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.
7. Trees and scrub are likely to contain nesting birds between 1 March and 31 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.
8. 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.

(ii) 18/01144/FLL – MEIGLE – Erection of 29 dwellinghouses and 4 flats, formation of SUDS, landscaping, roads infrastructure and associated works (allocated site H68), land north west of Park House, Ardler Road, Meigle – Report 18/381 – Hadden Homes Ltd

Mr D Heather-Hayes, objector, 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.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

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2. The waste storage area hereby approved shall be used solely for the purposes ancillary to the business on the site of Bridge House (granted under application 95/01473/FUL), and shall not be used by any member of the public or other business, or sold or let separately from the Bridge House, all to the satisfaction of the Council as Planning Authority.
Reason - In order to safeguard the residential amenity of the area.
3. The hours of operation of the waste storage area shall be restricted to between 0830 hours and 1700 hours Monday to Friday only, with no operations permitted on Saturdays and Sundays.
Reason - In order to safeguard the residential amenity of the area.
4. There shall be no burning of materials on the site at any time.
Reason - In order to safeguard the residential amenity of 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. The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
2. 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.
3. The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s).

- (iii) **18/01492/FLL – Keltybridge – Change of use and alterations to garden ground to form waste recycling business (class 6) comprising the siting of a skip, erections of a wall, fence and replacement gates, formation of raised hardstanding, steps and associated works (in retrospect), Bridge House, Main Street, Keltybridge, Kelty, KY4 0JH – Report 18/382 – Crombie Plumbing & Heating Ltd**

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Mr I Cunningham, objector, followed by Mr N Gray, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Robertson and M Barnacle)

Refuse on the grounds that:

- (i) to approve could set a precedent for comparable use of accesses such as this access.**
- (ii) the Council does not have the ability to control the scale of the operation.**
- (iii) the proposal constitutes a contravention of policy of Local Development Plan Policies PM1A and TA1B(a).**

Amendment (Councillors T Gray and E Drysdale)

Grant, subject to the terms, conditions and informatives set out in Report 18/382.

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

9 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, B Brawn, H Coates, A Jarvis, L Simpson, R Watters and W Robertson.

3 members voted for the Amendment as follows:

Councillors E Drysdale, T Gray and R McCall.

Resolved:

In accordance with the Motion.

COUNCILLOR BAND LEFT THE MEETING AT THIS POINT

(2) PROPOSAL OF APPLICATION NOTICE (PAN)

- (i) 18/00011/PAN – PERTH – Residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services, former Hillside Hospital, Dundee Road, Perth – Report 18/383 – Westwood Limited**

A Condliffe informed members that, with regards to paragraphs 42 and 43 of Report 18/383, there would be a view to add air quality as a key issue, which would be assessed through an air quality assessment being a required additional statement.

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Councillor Drysdale requested consideration of access to and exit from Dundee Road, the safety of the junction accessing to and exiting from Dundee Road. Councillor Drysdale also requested a full traffic assessment, incorporating full consideration beyond the immediate site, and also consideration to be given to the Cross Tay Link Road in respect of construction timing and phasing.

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