

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
24 OCTOBER 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 24 October 2018 at 10.00am.

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

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

Apologies: Councillors B Band, I James, R McCall and L Simpson.

Councillor B Brawn, Vice-Convenor, Presiding.

### **. WELCOME AND APOLOGIES**

The Convenor welcomed everyone present to the meeting.

### **. 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 26 September 2018 (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 applications:

<b>Planning Application No.</b>	<b>Art. No.</b>
18/00094/IPM	(1)(i)
18/00408/FLM	(1)(ii)
18/01054/FLL	2(i)
18/01094/FLL	2(ii)
18/01353/FLL	2(iii)

### **. APPLICATIONS FOR DETERMINATION**

#### **(1) Major Applications**

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Prior to the consideration of Arts. \*\* \_ \*\* and \*\* \_ \*\*, it was agreed due to the nature of both applications to consider deputations and questions from members for both applications together, before considering separate decisions for each application.

Prior to the consideration of Arts. \*\* \_ \*\* and \*\* \_ \*\*, J Scott, Team Leader provided an update to members that, (i) for Art 1(i) on page 52, recommended condition 3, line 5, the word 'does' should be deleted; (ii) both applications for the site history, application 18/00307/LBC had not in fact been granted and is awaiting determination; (iii) for both applications highlighting and summarising a letter by Burness Paul, agents for the applicants, received and given to the Committee shortly before consideration of the applications; (iv) for Art 1(ii), page 82, paragraph 136, refers to bat surveys not being undertaken in the Birnam and Elcho wards, which is incorrect, having both been surveyed in 2017; (v) for Art 1(i) a survey to update the 2016 bat surveys for the Main Building had not been sought by officers; (vi) for both applications it was accepted that a Species Protection Plan for bats had previously been requested by officers; and (vii) Nonetheless the issues in respect of bats have not been addressed and the reasons proposed remain valid and officers are satisfied that the Report of Handling accurately addresses all other matters.

Mr G Fleming, objector to the application, followed by Mr F Littlejohn, on behalf of the applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

- (i) **18/00094/IPM - PERTH - Residential development (in principle) for up to 70 dwellings, former Murray Royal Hospital, Muirhall Road, Perth – Report 18/335 – Rivertree Residential**

**Resolved:**

**Defer**, for (i) an unaccompanied site visit; (ii) further information and to allow for further possible discussions between the applicant and Development Management on traffic issues; (iii) clarification and possible further discussions between the applicant and Development Management on the issues raised in the Burness Paul letter; (iv) further information on the possible phasing of the development; and (v) further information on tree management.

- (ii) **18/00408/FLM - PERTH - Change of use, alterations and selective demolition to former hospital building to form 58 flats and associated works, former Murray Royal Hospital, Muirhall Road, Perth – Report 18/336 – Rivertree Residential**

**Resolved:**

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**Defer**, for (i) an unaccompanied site visit; (ii) further information and to allow for further possible discussions between the applicant and Development Management on traffic issues; (iii) clarification and possible further discussions between the applicant and Development Management on the issues raised in the Burness Paul letter; (iv) further information on the possible phasing of the development; and (v) further information on tree management.

**(iii) 18/01002/AMM - ABERFELDY - Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) – Phase 3, land south of 8 The Beeches, Aberfeldy – Report 18/337 – Duntaylor Developments Ltd**

Anne Condliffe, Team Leader, advised that should the application be granted then on page 110, Informative 4 should be amended to refer to 2013 regulations, not 2008.

**Resolved:**

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

**Conditions**

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.  
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for their further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.  
Reason: In the interest of pedestrian and cycle safety.
3. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 3 to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of pedestrian and traffic safety, residential amenity.
4. All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority

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and to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety.

5. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety.

6. Prior to the commencement of works on any part of the development, the Developer shall submit for the written approval of the Planning Authority an updated Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - e) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - f) details of information signs to inform other road users of construction traffic;
  - g) arrangements to ensure that access for emergency service vehicles are not impeded;
  - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
  - i) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.
- The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

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- Reason: In the interests of pedestrian and traffic safety.
7. 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 unless otherwise agreed in writing by the Council as Planning Authority.  
Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
8. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.  
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
9. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.  
Reason: In order to prevent animals from being trapped within any open excavations.
10. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.  
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
11. Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift

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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 approved details prior to the occupation of the relevant dwelling(s).

Reason – In the interests of protecting environmental quality and of biodiversity.

12. Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of enhancing biodiversity.

13. Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

14. The stoves 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 without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

15. The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

**Justification**

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

**Procedural Notes**

Primary school financial contribution of £71,060 (11 x £6,460) is required and can either be paid up front (within 28 days) or via a Section 75 legal agreement. Should the applicant not wish to pay the contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.

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Any 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 may be recommended for refusal under delegated powers.

**Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent 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 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 38 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. According to Regulation 38 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. The applicant is 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 sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new

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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 Environment Protection Agency.

7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR
  8. The applicant is advised that the granting of planning consent 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.
  9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
  10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
  11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
  12. Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
  13. No work shall be commenced until an application for building warrant has been submitted and approved.
  14. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- Background

**(2) Local Applications**

- (i) 18/01054/FLL - KINROSS - Part demolition of buildings, erection of 2no. dwellinghouses and 4no. flats and associated works, Kirklands Garage, 10 High Street,**



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**Kinross, KY13 8AW – Report 18/338 – Kirklands  
Development Group**

David Niven, Team Leader updated the Committee that (i) on page 133, recommended condition 7 should be amended to refer to having effect prior to occupation of the first flat; and (ii) some referencing of recommended conditions in the appraisal section was listed incorrectly. The correct references were narrated.

Mr G Mullen, objector to the application, followed by Mr N Gray, on behalf of the applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

**Motion (Councillor T Gray and H Anderson)**

**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 document.
2. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (ref 18/01504/29) shall be fully adhered to, respected and undertaken as part of the construction phase of development.  
Reason – In the interests of protecting environmental quality and of biodiversity.
3. Prior to the commencement of development, 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 approved details prior to the occupation of the relevant dwelling(s).  
Reason – In the interests of protecting environmental quality and of biodiversity.
4. Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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- Reason – In the interests of road safety; to ensure the provision of adequate offstreet car parking facilities.**
5. **Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.**
- Reason – In the interests of road safety; to ensure the provision of adequate offstreet car parking facilities.**
6. **Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented 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 to enable a vehicle to enter and leave the site in forward gear.**
7. **Prior to the occupation of the first flat, the cycle parking facilities shown on the approved drawings for Units 3, 4, 5 and 6 shall be installed and thereafter maintained 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.**
8. **The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.**
- Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).**
9. **The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the upper level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.**
- Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).**
10. **The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.**
- Reason – To ensure appropriate drainage arrangements are installed thereby ensuring**

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**compliance with policy EP3B of the Local Development Plan 2014.**

- 11. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.**

**Reason – To ensure the provision of effective drainage for the site.**

- 12. Development shall not commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall 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 completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority and approved in writing.**

**Reason – In order to deal with any potential contamination of the site as a result of its former use.**

**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**

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

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**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.**

**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.**
- 5. 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)**
- 6. 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.**
- 7. 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**

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**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.**

- 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. The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.**
- 10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.**

Amendment (Councillor M Barnacle and W Wilson)

Refuse, on the basis that the application is contrary to:

- (i) Perth and Kinross Local Development Plan 2014, Policy PM1A as the application does not contribute positively to the surrounding built and natural environment due to the massing of and the flat roof of the building to the rear, and due to the contemporary design not fitting the area;
- (ii) Perth and Kinross Local Development Plan 2014, Policy RD1 as the application does not protect residential amenity as the building to the rear would overlook the private space of the neighbouring property, Laurelbank;
- (iii) Perth and Kinross Local Development Plan 2014, Policy TA1B on the basis that inadequate parking provision is provided given the existing situation within Kinross High Street; and
- (iv) Perth and Kinross Local Development Plan 2014, Policy HE3A as the rear flatted development does not preserve or enhance the character or appearance of Kinross Conservation Area due to its contemporary design, its massing, and its scale.

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

3 members voted for the Amendment as follows:  
Councillors Barnacle, Watters and Wilson.

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9 members voted for the Motion as follows:

Councillors Anderson, Doogan, Brawn, Coates, Drysdale, Gray, Jarvis, Illingworth and Robertson.

**Resolved:**

In accordance with the Motion.

- (ii) **18/01094/FLL - CRIEFF - Alterations and formation of decking to provide outdoor seating area, installation of a screen fence and associated works, The Caledonain Bar, 35 James Square, Crieff, PH7 3EY – Report 18/339 – Belhaven Pubs**

Mr P Houghton, on behalf of objectors, addressed the Committee, and, following his representation, withdrew to the public gallery.

**Resolved:**

**Refuse**, for the following reason:

The Proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy EP8 on the basis that the amenity of the flats above the site would not be protected and may be subject to high levels of noise as a result.

- (iii) **18/01353/FLL - PERTH - alterations and extension to dwellinghouse, 63 Viewlands Road West, Perth, PH1 1NA – Report 18/340 – Mr M MacDonald**

Mr B DeCecco, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillor W Wilson and M Barnacle)

Refuse, on the basis that the application is contrary to:

- (i) Perth and Kinross Local Development Plan, Policy PM1A as the proposal does not contribute positively to the surrounding built and natural environment due to the height of the proposal, the overshadowing of neighbouring properties, and the loss of privacy to neighbouring properties;
- (ii) Perth and Kinross Local Development Plan, Policy PM1B(c) due to the appearance and height of the proposal in relation to surrounding properties; and
- (iii) Perth and Kinross Local Development Plan, Policy RD1 as the proposal does not protect existing residential amenity, particularly 65 Viewlands Road West and 28 Fairies Road due to overshadowing and loss of privacy

**Amendment (Councillor T Gray and R Watters)**

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

**Condition**

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.

**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.

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

9 members voted for the Amendment as follows:

Councillors Anderson, Doogan, Brawn, Coates, Drysdale, Gray, Jarvis, Illingworth and Watters.

3 members voted for the Motion as follows:

Councillors Barnacle, Robertson and Wilson.

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**Resolved:**

In accordance with the Amendment.

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