

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
24 APRIL 2013

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 24 April 2013 at 9.30am.

Present: Councillors T Gray, B Band, H Anderson, M Barnacle, I Campbell, J Giacobazzi, C Gillies, A Jack, J Kellas, A Livingstone, M Lyle, G Walker and W Wilson (substituting for Councillor A Gaunt).

In Attendance: N Brian, B Stanford, J Russell, P Marshall (up to and including Art. 231(2)(ii), J Thomson, K Stirton, S Dunn and L Reid (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apology: Councillor A Gaunt.

Councillor T Gray, Convener, Presiding.

228. DECLARATIONS OF INTEREST

Councillor C Gillies declared a non-financial interest in Art. 231(4)(i) in terms of the Councillors' Code of Conduct.

229. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 27 March 2013 (Arts. 181-184) was submitted, approved as a correct record and authorised for signature.

230. DEPUTATIONS

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

Planning Application No.	Article No.
12/00963/FLL	231(3)(i)
12/01423/FLL	231(3)(ii)
12/02025/FLL	231(3)(iii)

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

231. APPLICATIONS FOR DETERMINATION

(1) Application Previously Considered

- (i) 12/00552/FLL – BRIDGE OF EARN – Erection of 10 dwellinghouses and garages with associated parking on land north of Clayton Road, Bridge of Earn (Resubmission**

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to Committee to consider removal of Condition 6 on flood risk) - G S Brown Construction Ltd – Report 13/173

N Brian, Development Quality Manager, advised members that Condition 6 of Report 13/173 had been included erroneously and should be disregarded.

Motion (Councillors J Kellas and J Giacobazzi) – Grant, subject to the conditions contained in Report 13/173 with the deletion of Condition 6.

Amendment (Councillors H Anderson and A Jack) – Refuse the removal of Condition 6 as there would be an unacceptable risk of flooding preventing access to the proposed properties.

In accordance with Standing Order 43, a roll call vote was taken.

7 Members voted for the Amendment as follows:

Councillors Band, Anderson, Barnacle, Campbell, Gillies, Jack and Livingstone.

6 Members voted for the Motion as follows:

Councillors Gray, Giacobazzi, Kellas, Lyle, Walker and Wilson.

Resolved:

In accordance with the Amendment.

(2) Major Applications

(i) 08/01279/FLM – AUCHTERARDER – Erection of 147 dwellinghouses and associated engineering operations on land at Castlemains Farm, Auchterarder – Muir Homes – Report 13/174

B Stanford, Project Team Leader, advised the Committee that Paragraph 1 of Report 13/174 erroneously referred to an outline application (as opposed to an outline consent) and requested that the Committee note that the Section 75 Agreement was soon to be completed (rather than had been completed).

He also requested that, should the Committee be minded to approve the application, Conditions 9 and 10 of Report 13/174 be replaced with a revised Condition 9.

Resolved:

Grant, subject to the following conditions and a revised Condition 9 as follows:

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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.
2. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. The detailed landscaping and planting scheme for the site shall be as per the approved plans and the scheme approved shall be carried out and completed within six months of the completion of the development and thereafter maintained; unless otherwise agreed in writing with this Planning Authority.
4. Development shall not begin until the applicant or their agent has submitted to and has had approved in writing by the Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This shall be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified out with the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British Standards.
5. 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.
6. 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.
7. The proposed diversion avoiding the Castlemains farm steading, shown as a dashed red line on the plan 08/01279/6 shall be constructed to PKC standards and specifications before works commence on site. The route

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incorporating the existing farm track from Hunter Street to Castleton Road, shown as a solid blue line on the above plan, and the above proposed diversion shall be made available for the public to use before works commence on site and remain open thereafter.

8. The proposed paths shown as blue dashed lines on plan 08/01279/6 including the new path from Hunter Street to Castleton Road via the linear structure planting to the north of Castlemains (AKA proposed core path AUCH/160), in so far as they fall within the applicant's ownership or control, shall be constructed to PKC standards and specifications and made available for the public to use before the twenty-fifth unit is occupied/sold.
9. Prior to commencement of development the applicant shall provide a Sustainability Statement for the approval of the Planning Authority, as required under the Building Standards Technical Handbook, Section 7, to the level of 'Bronze', which is the baseline level of sustainability required for adaptation to climate change and for mitigating carbon dioxide emissions.

Justification

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

Procedural Note

This consent shall not be issued until such time as the Section 75 Agreement associated with planning application 08/01133/IPM is signed and consent issued.

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. The applicant is advised that in terms of Section 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.

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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.

4. 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.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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)).

(ii) 09/01290/FLM – AUCHTERARDER – Erection of 261 dwellinghouses on land at Kirkton, Auchterarder – Stewart Milne Homes North – Report 13/175

B Stanford, Project Team Leader, advised the Committee that Paragraph 1 of Report 13/174 erroneously referred to an outline application (as opposed to an outline consent) and requested that the Committee note that the Section 75 Agreement was soon to be completed (rather than had been completed).

He also requested that, should the Committee be minded to approve the application, they agree to Conditions 6 and 7 of Report 13/174 being replaced with a revised Condition 6; and the addition of Condition 7 relating to a contamination investigation.

Resolved:

Grant, subject to the following conditions including a revised Condition 6, an additional Condition 7 and an additional Informative 6 all as undernoted:

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.
2. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Planning

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Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within six months of the completion of the development and thereafter maintained; unless otherwise agreed in writing with the Planning Authority.

4. Only the trees shown for removal in the Tree Survey Report by Alan Motion dated 13 March 2008 shall be removed and any work to the remaining trees, further planting and tree protection measures during construction shall be in accordance with the above report, all to the satisfaction of the Planning Authority.
5. 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.
6. Prior to commencement of development the applicant shall provide a Sustainability Statement for the approval of the Planning Authority, as required under the Building Standards Technical Handbook, Section 7, to the level of 'Bronze', which is the baseline level of sustainability required for adaption to climate change and for mitigating carbon dioxide emissions.
7. Development shall not begin until the applicant or their agent has submitted to and has had approved in writing by the Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This shall be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified out with the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British Standards.

Justification

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

Procedural Note

This consent shall not be issued until such time as the Section 75 Agreement associated with planning application 08/01133/IPM is signed and consent issued.

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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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is advised that in terms of Section 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 Environment Protection Agency.
5. 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).
6. Cycle and pedestrian links within the site and between the site and adjoining land should be improved where appropriate in discussion with the Council as Planning Authority.

(3) Local Applications

(i) 12/00963/FLL – ALYTH – Erection of seven wind turbines and associated infrastructure on land at Bamff by Alyth – Scottish Power Renewables – Report 13/176

N Brian, Development Quality Manager, advised the Committee that, when considering Planning Applications 12/00963/FLL and 12/01423/FLL, whilst the decisions must be considered individually, cumulative impact could be taken into account both in respect of each application against existing and consented wind turbines and in respect of both applications against existing and consented wind turbines.

Ms J Hobhouse, accompanied by Mr M Connor and Mr C Bird, objectors to the application; followed by Mr R Clegg, Chairman,

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Kirriemuir Landward West Community Council, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. Through the siting, size of turbines, prominence and visual association with existing and approved windfarms within the locality, the proposals would have a major adverse impact on existing landscape character and visual amenity. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012; and Policies 2, 9, 38 of the Eastern Area Local Plan 1998 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
2. The siting, size of turbines, prominence and visual association with existing and approved windfarms within the locality would have a major adverse cumulative impact on existing landscape character and visual amenity. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012; and Policies 2, 9, 38 of the Eastern Area Local Plan 1998 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
3. The Ministry of Defence object to the development on Aviation Grounds as the proposal will cause unacceptable interference to the ATC radar at Leuchars resulting in a likely decrease in situational awareness of all aircraft movements within the airspace which is crucial to achieving a safe and efficient air traffic service.
4. Approval of this application would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established Development Plans and supplementary planning guidance.
5. Notwithstanding reasons for refusal 1 – 4 above, there is a lack of information submitted with Chapter 6 on 'Landscape and Visual Amenity' and it is therefore considered that the full extent of potential impacts associated with this aspect of the proposal is not fully reported. Furthermore as there is a lack of information which relates to the potential effects on residential amenity in terms of visual impact from the scale of the

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turbines, a full assessment under PKC Wind Energy Policy & Guidelines 2005 Guideline 2 cannot be undertaken effectively this warrants applying a precautionary approach.

Justification

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

(ii) 12/01423/FLL – ALYTH – Erection of seven wind turbines and associated infrastructure on land at Tullymurdoch by Alyth – RDS Element Power Ltd – Report 13/177

N Brian, Development Quality Manager, requested that the Committee, should they be minded to defend the appeal based on the reasons set out in Report 13/177, agree to an additional Reason for Refusal No. 4 on the basis of precedent.

Mr D Hendry, applicant and A Schlicke, on behalf of the agent, addressed the Committee and answered Members' questions. Following their representations they withdrew to the public benches.

Resolved:

Refuse, for the following reasons and an additional Reason for Refusal No. 4 as undernoted:

1. Through the siting, size of turbines and prominence the proposal would have a major adverse impact on existing landscape character and visual amenity of the area. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012; and Policies 2, 9, 38 of the Eastern Area Local Plan 1998 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
2. The proposal's siting, size of turbines, prominence and visual association with existing and consented windfarms within the locality would have a major adverse cumulative impact on existing landscape character and visual amenity. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012; and Policies 2, 9, 38 of the Eastern Area Local Plan 1998 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.

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3. The development is not compatible with its surroundings in land use terms due to noise resulting in an unacceptable loss of amenity to neighbouring properties that are not financially involved with the development. Consequently the proposal fails to comply with Policy 6 of the approved TAYplan 2012; and Policies 02 and 09 of the Eastern Area Local Plan 1998.
4. Approval of this application would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established Development Plans and supplementary planning guidance.

Justification

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(iii) 12/02025/FLL – CARNBO – Erection of four dwellinghouses and associated drainage and amenity on a site west of Carnbo Farm House, Carnbo – Caledonian Trust PLC - Report 13/178

B Stanford, Project Team Leader, requested that, should the Committee be minded to approve the application, Condition 6 of Report 13/178 be deleted and the subsequent conditions renumbered, as it was a repeat of Condition 3 of Report 13/178.

Mr I Gaul, agent on behalf of the applicant, addressed the Committee and answered Members' questions. Following his representation, Mr Gaul withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and Condition 6 being deleted, with the subsequent conditions being renumbered as undernoted:

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.
2. The vehicular access shall be formed in accordance with the Council's Roads Development Guide Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
3. The gradient of the accesses shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.

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4. A 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the entire site frontage with the A91, to link to the existing bus stops and be implemented prior to the occupation of any of the dwellinghouses.
5. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear, prior to the occupation of any of the dwellinghouses and to the satisfaction of the Council as Planning Authority.
6. Prior to the occupation or use of the approved development a minimum of two No. car parking spaces per dwelling shall be provided within the site.
7. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
8. The natural stone boundary walling as proposed shall be detailed and subsequently constructed with lime mortar jointing and pointing to the full satisfaction of the Council as Planning Authority.
9. The wastewater treatment facility and associated drainage, storage and pumping installations shall be designed, operated and maintained such that noise and/or odour therefrom, are not perceptible in any domestic property.
10. Storm water drainage shall be provided from all paved surfaces, including the access and shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
11. There shall be no alteration to ground levels below 163.22mAOD, unless otherwise agreed in writing by both the Scottish Environmental Protection Agency (SEPA) and the Council as Planning Authority.
12. There shall be no culverting of the flood drainage ditch or east boundary watercourse.
13. The approved detailed landscaping and planting scheme for the site shall be implemented as part of the site development programme, prior to the occupation of any part of the development and thereafter maintained in perpetuity.
14. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
15. 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 work in accordance with a written scheme of archaeological investigation which has

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been submitted by the applicant, agreed by Perth & 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 & Kinross Heritage Trust.

16. The core path (FSWY/156) forming the access to the development must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good prior to occupation or completion of development (whichever comes first). Any temporary restrictions to public access required to facilitate works on site must be agreed in writing and in advance with the Council Access Officer.

Justification

The proposal is not in accordance with the Development Plan on the grounds of policy restrictions on dwelling numbers, however the Proposed Development Plan is a material reason in this case to justify departure from the Development Plan.

Procedural Notes

1. Consent shall not be issued until a Legal Agreement has been completed and signed in respect of securing education contributions, the delivery of external boundary landscaping along the settlement boundary of Carnbo and foul drainage phosphate mitigation measures of affected properties in perpetuity.
2. In the event of the Section 75 Agreement not having been executed by the applicant, landowner and any other relevant party within six months of the date of the decision taken on this application, then the application shall be refused for the following reasons:-
 - (i) Without the developer contributions to be secured by the Section 75 Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Fossoway Primary School and the proposal would therefore be contrary to the Council's approved guidance on Primary Education and New Housing Development.
 - (ii) Without the control of the Section 75 Agreement to secure phosphate mitigation the proposal would be contrary to Policies 10 -13, Drainage within Loch Leven Catchment Area of the adopted Kinross Area Local Plan 2004.

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- (iii) Without the control of the Section 75 Agreement to secure external boundary landscaping the proposal would be contrary to Policies 5 & 6, Design & Landscaping of the adopted Kinross Area Local Plan 2004.

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. 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 Environment Protection Agency.
5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.
6. 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 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for 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

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- Readily visible to the public
 - Printed on durable material.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
 8. Please consult the Perth and Kinross Heritage Trust, Heritage Officer to discuss the procedures of archaeological works required and written Terms of Reference.
- (iv) **13/00117/FLL – BLAIRINGONE – Change of use and extension of existing building to form a stable block at Cairnfold House, Blairingone – Mrs J Murray – Report 13/179**

Nick Brian, Development Quality Manager, requested that should the Committee be minded to approve the application, Condition 3 be revised to refer to the agreement of Perth and Kinross Council in consultation with Fife Council as Roads Authority.

Resolved:

Defer, for further information and consideration of passing places on the length of the road from Easter Muirhead into the Fife area.

- (v) **13/00192/FLL – PERTH – Erection of 80m wind monitoring mast at Southtown Farm, Bandirran, Perth – Banks Renewables (Bandirran Wind Farm) Ltd – Report 13/180**

Resolved:

Grant, subject to the following conditions:

1. The permission shall be for a limited period of two years from the date of this decision notice; when the use hereby permitted shall be discontinued and the mast and works carried out under this permission removed and the land reinstated to its former condition to the satisfaction of the local Planning Authority.
2. 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.
3. The support guys to the temporary mast hereby approved shall be marked to make them more visible to birds in accordance with details which shall have been submitted to and approved in writing by the local Planning Authority prior to the commencement of site construction works. The approved deflectors shall remain in place at all times thereafter until the removal of the mast.

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4. Prior to the commencement of any development details of aviation lighting to be installed on the mast shall be submitted for the written approval of the Planning Authority in consultation with the Ministry of Defence. The details as approved shall be implemented as part of the site development.
5. The core path shown in purple on plan reference number 13/00192/8 must not be obstructed during the works or on completion. Any damage done to the route and associated signage during the works must be made good before the mast is commissioned.

Justification

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

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.

(4) Applications with Council Interest

COUNCILLOR GILLIES, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT

- (i) **13/00076/FLL – PERTH – Change of use from open space to community allotments and siting of ancillary structures at Kingswell Terrace, Perth – Letham Climate Challenge – Report 13/181**

N Brian, Development Quality Manager, requested that, should the Committee be minded to approve the application, an additional Informative 4 be added.

Resolved:

Grant, subject to the following conditions and an additional Informative 4 being added, as undernoted:

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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.
2. Each plot shall have no more than two sheds / greenhouses measuring no more than 2m x 3m in area and no more than 4m in height, to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing. Any sheds / greenhouses must be maintained in perpetuity to a standard which is acceptable to the Council as 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.

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 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).
4. The Scottish Environmental Protection Agency (SEPA) should be contacted with regards to waste management licensing and The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

COUNCILLOR GILLIES RETURNED TO THE CHAMBERS AT THIS POINT.

- (ii) **13/00161/GLENSHEE – Realignment of the A93 and the B951, construction of a new A93/B951 junction and bridge over Allt Na Lair Burn, Glenshee – Perth and Kinross Council – Report 13/182**

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B Stanford, Project Team Leader, requested that, should the Committee be minded to approve the following application, Conditions 2 and 3 be amended and a Procedure Note be added.

Resolved:

Grant, subject to the following conditions, with Conditions 2 and 3 being amended and a Procedure Note being added as undernoted:

1. The development shall be undertaken in accordance with the Application and Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent. The development shall be undertaken in its entirety, with no partial implementation and construction activities shall be completed within an 18 month period from the commencement of the development unless otherwise agreed in writing by the Planning Authority.
2. Prior to the commencement of development a detailed design to deal with surface water shall be submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency. This shall ensure surface water is diverted to the head of the wetland to the East of the A93. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date. Thereafter the development shall be fully undertaken in accordance with the approved plans.
3. Prior to Commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. 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 shall be fully undertaken in accordance with the approved CEMP.
4. 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

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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. Prior to Commencement of Development, a fully detailed landscaping mitigation plan which will ensure there is no net loss of trees associated with the felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented to the satisfaction of the Planning Authority no later than the first planting season following the commissioning of development. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure all to the satisfaction of the Planning Authority.
6. Prior to the commencement of development, details of the path link between MTBL/8 footpath and the Ceteran Trail shall be submitted to the Planning Authority for approval in writing. This shall detail the specification of the footpath, details of the self-closing gate and location as well as the location of new directional signage relating to the Ceteran Trail. Following approval the infrastructure shall be installed on completion of the construction works all to the satisfaction of the Planning Authority.
7. For the avoidance of doubt the bridge soffit will be constructed to accept the flow capacity of a 1/200 return period. Full calculations will be submitted for approval to the flooding team prior to commencement of any works. Thereafter the development shall be fully undertaken to accord with the approved details associated with this condition all to the satisfaction of the Planning Authority.
8. The discharge rate from the road drainage system to water body/watercourse will not exceed Greenfield runoff rates. Full design calculations will be submitted for approval to the flooding team prior to commencement of any works. Thereafter the development shall be fully undertaken to accord with the approved details associated with this condition all to the satisfaction of the Planning Authority.
9. Construction work on the site shall be confined to the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays, with no working on Sundays, local or national public holidays unless otherwise agreed in writing with the planning authority.

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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 Note

Consent shall not be issued until consent has also been issued by the Cairngorms National Park Authority for that part of the application within the National Park.

Informatives

1. CEMP shall include a schedule of noise and vibration monitoring; this must be implemented through out the construction period to demonstrate compliance with the lowest threshold levels. As well as a method statement of all works that has the potential to cause disturbance to demonstrate best practice. It should also include mitigation measures associated with the Groundwater Dependent Terrestrial Ecosystems (GWDTEs).
2. 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).
3. 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.
4. 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.
5. The applicant is advised that the works are likely to need a licence 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.
6. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.

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- (iii) **13/00287/FLL – PERTH – Change of use from Class 1 (retail) to Class 2 (financial) at 282 High Street, Perth – Executive Director (Housing and Community Care) – Report 13/183**

Resolved:

Grant, subject to the following condition:

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

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 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).
4. The applicant should be aware that the display of any signage on the building will require a separate application for Display of Advertisement Consent.

- (iv) **13/00303/FLL – PERTH – Alterations, Carpenter House, Carpenter Street, Perth – Perth and Kinross Council – Report 13/184**

Resolved:

Grant, subject to the following condition:

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

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Justification

The proposal is considered to comply with the Development Plan and there are no material reasons which justify refusing the planning application.

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 may be required.

(v) **13/00398/FLL – PERTH – Formation of community allotments and siting of ancillary structures at former Tulloch Bowling Green, Tulloch Terrace, Perth – North Perth Allotment Association – Report 13/185**

Resolved:

Grant, subject to the following condition:

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

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

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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 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).
4. The Scottish Environment Protection Agency (SEPA) should be contacted with regards to waste management licensing and The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

(vi) 13/00411/FLL – Formation of a play area and associated landscaping at South Inch, King’s Place, Perth – Perth and Kinross Council – Report 13/186

Resolved:

Grant, subject to the following 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.
2. All trees which are to be retained shall be adequately protected during the course of construction by stout fencing, as per the requirements of the British Standards.

Justification

The proposal is considered to comply with the Development Plan and there are no material reasons which justify refusing the planning application.

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

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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.

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