

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 11 September 2013 at 10.00am.

Present: Councillor B Band, H Anderson, I Campbell, D Doogan (substituting for Councillor T Gray), A Gaunt, C Gillies, K Howie (substituting for Councillor G Walker) A Jack, J Kellas (up to and including Art. 521(2)(i)), G Laing (substituting for Councillor J Giacopazzi), A Livingstone and M Lyle.

In Attendance: N Brian, A Condliffe, J Thomson, S Dunn, P Marshall, S Knowles, M Barr and H Hearle (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Apologies: Councillors M Barnacle, T Gray, J Giacopazzi and G Walker.

Councillor B Band, Vice-Convener, Presiding

518. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

519. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 21 August 2013 (Arts. 473-476) was submitted, approved as a correct record and authorised for signature subject to the following amendment:

Application 13/00645/FLL – PERTH – should read “3 Members voted for the Amendment as follows:” (as opposed to “5 Members voted for the Amendment as follows:”)

520. DEPUTATIONS

In terms of Standing Order 59, there were no requests for deputations.

521. APPLICATIONS FOR DETERMINATION

(1) Application Previously Considered

(i) 11/01091/FLL – BRACO – Erection of a dwellinghouse at West Park, Braco – Mr T Gray – Report 13/436

N Brian, Development Quality Manager, asked the Committee to note the following amendments to the Reasons for Refusal:

1. Reason for Refusal No. 2 to read “The proposed development would be contrary to Policy 54(d) of the Strathearn Area Local Plan” (as opposed to 54(b)).
2. Reason for Refusal No. 3 be delete.

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Motion (Councillors B Band and K Howie) – Request to approve the application without the need for either an occupancy condition or Section 75 Agreement restricting occupancy.

Amendment (Councillors I Campbell and M Lyle) – Refuse, for the reasons contained in Report 13/436, but subject to the aforementioned amendments.

In accordance with Standing Order 44, a roll call vote was taken.

6 members voted for the Amendment as follows:
Councillors I Campbell, A Gaunt, C Gillies, A Jack,
A Livingstone and M Lyle.

6 Members voted for the Motion as follows:
Councillors B Band, H Anderson, D Doogan, G Laing, J Kellas
and K Howie.

Amendment – 6 votes

Motion – 6 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:

In accordance with the Motion.

Justification

The farm to which the application relates used to be supported by occupants of two dwellinghouses, one situated on the farm. The owner of the farm chose to allow that property to remain vacant, fall in to disrepair and is not prepared to sell it. While this application will allow a further dwellinghouse to be built, the farm will revert to being supported by two dwellinghouses, as it had in the past.

(2) Major Applications

- (i) 13/00638/FLM – PERTH – Residential development consisting of 75 units and associated works on site of the former Friarton Detention Centre, Edinburgh Road, Perth – Bellway Homes Scotland Ltd & Scottish Prison Service – Report 13/437**

Motion (Councillors J Kellas and M Lyle) – Grant, subject to the following conditions:

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

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2. **Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.**
3. **No development shall commence until a connection to the public foul sewer infrastructure has been secured to cater for the foul flows associated with the development. Documentation confirming a connection is available shall be submitted to the local Planning Authority for written approval. Thereafter the development shall be undertaken in accordance with the approved details to the satisfaction of the local Planning Authority.**
4. **A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency; all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of the dwellings. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.**
5. **Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:**
 - I. **the nature, extent and type(s) of contamination on the site**
 - II. **measures to treat/remove contamination to ensure the site is fit for the use proposed**
 - III. **measures to deal with contamination during construction works**
 - IV. **condition of the site on completion of decontamination measures.**

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the scheme's proposals have been fully implemented must also be submitted to the Planning Authority.
6. **Prior to the commencement of development details of the close boarded timber fence (specification and colour) to comply with the requirements of the New Acoustics report dated 17 August 2012 shall be submitted for the written approval of the Planning Authority in consultation with Perth and Kinross**

- Council's Environmental Health Section, thereafter the fence shall be installed and retained all to the satisfaction of the Planning Authority.**
- 7. Prior to the commencement of development, a Construction Management Plan (CMP) detailing environmental mitigation measures and construction method statements, including specific measures to control dust arising from construction work shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the development shall be undertaken in accordance with the approved CMP.**
 - 8. None of the buildings hereby approved shall be occupied until dustbin enclosures or dustbin storage areas have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local Planning Authority, such drawings to show the siting, design and capacity thereof. Following approval the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the Planning Authority.**
 - 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking and re-enacting that order the proposed dwellinghouses numbered 1 to 20 on the applicant's Drawing No:- FN/SL/01 shall not be extended or altered in any way nor any building or means of enclosure erected within the curtilage of the dwellinghouse without an express grant of planning permission from the Planning Authority.**
 - 10. Before the development is brought into use the rear boundary of plots 1 to 20 shall be fenced to a height, specification and colouring to be approved in writing by the Planning Authority, thereafter the boundary fencing shall be maintained in accordance with the approved details.**
 - 11. No development shall take place until details of earthworks and retaining feature to the northern boundary of the site has been submitted to and approved in writing by the Planning Authority thereafter the development shall be carried out in accordance with the approved details.**
 - 12. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in**

accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.

13. Prior to the commencement of the development hereby permitted, details of the play park equipment specification shall be submitted to the Planning Authority for written approval. The play park shall be installed prior to the occupation of the 50th residential dwelling associated with this development, or such longer period as the Planning Authority shall specify in writing, all to the satisfaction of the Planning Authority.
14. Prior to the occupation of the 50th residential dwelling associated with this development the path link into the adjoining Opportunity 8 site beside the play park must be installed up to the application site boundary all to the satisfaction 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 Note

The applicants shall enter into a planning obligation to secure contributions to and the provision of necessary infrastructure in accordance with the Council's Policy on Developer Contributions, including:-

- a) Affordable Housing (on site provision and commuted sum).
- b) Long term open space provision and maintenance (commuted sum).

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 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
 - * Readily visible to the public
 - * Printed on durable material.
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. 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 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.
6. 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, The Atrium, Glover Street, Perth.
7. 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.
8. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should

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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

- 9. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.**
- 10. The applicant is advised that measures as detailed in the Air Shed Air Quality Impact Assessment dated 29 April 2013 should inform the Construction Management Plan as required under Condition 7.**

Amendment (Councillors A Livingstone and H Anderson) – Refuse, on the grounds that the proposal is inappropriate due to (i) the inadequacy of the road network to accommodate the development proposal; and (ii) in view of the adverse road safety implications.

In accordance with Standing Order 44, a roll call vote was taken.

6 Members voted for the Amendment as follows:
Councillors H Anderson, D Doogan, C Gillies, A Jack, A Livingstone and K Howie.

6 Members voted for the Motion as follows:
Councillors B Band, I Campbell, A Gaunt, G Laing, J Kellas and M Lyle.

Amendment – 6 votes Motion – 6 votes.

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:
In accordance with the Motion.

COUNCILLOR J KELLAS LEFT THE CHAMBERS AT THIS POINT.

- (ii) 13/01114/IPM – ALYTH – Variation of Condition 1 (09/01345/IPM) for extension of time limit at Glenisla Golf Club, Alyth, Blairgowrie – Deveron Glenisla LLP – Report 13/438**

Resolved:
Grant, subject to the following conditions:
1. The reserved matters relating to planning approval 09/01345/IPM shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:-

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- (i) the expiration of 6 years from the date of the original grant of outline planning permission dated 23 September 2010;
- (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest.

Justification

The proposal is considered to be contrary to the Development Plan however there are material reasons which justify approval of the application.

Informatives

- 1. The conditions contained in planning permission notice ref. 09/01345/IPM dated 23 September 2010 in respect of improvements to golf club/course, erect 9 business units, hotel, nursing home and residential development, except only insofar as expressly modified by Condition No. 1 attached to this planning permission notice.
- 2. Applicants are advised that, should their application for Approval of Matters specified be refused, and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

(3) Local Application

- (i) **13/00885/FLL – AUCHTERARDER – Erection of a replacement dwellinghouse, Quarrybrae, Western Road, Auchterarder – Mr S McKinnon – Report 13/439**

Resolved:

Grant, subject to the following 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.
- 2. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed

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- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the scheme's proposals have been fully implemented must also be submitted to the Planning Authority.

- 3. The Core Path and Right of Way shown in PURPLE on plan no. 13/00885/3 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 before the house is occupied.
- 4. A minimum of two parking spaces shall be provided within the site, to the satisfaction of the Planning Authority, prior to the occupation of the proposed house.
- 5. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
- 6. The dwellinghouse shall be finished in natural slate, white painted wetdash render and stained timber boarding, to the satisfaction of the Planning Authority.
- 7. All existing trees on the site shall be retained and protected and details of the proposed method of protection during construction operations shall be submitted for the approval of the Planning Authority.
- 8. A landscaping plan shall be submitted for the approval of the Planning Authority within six months of the date of this Decision Notice. The approved plan shall be implemented during the first planting season following the completion of the house and thereafter the landscaped areas shall be maintained in accordance with the approved programme.

Justification

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

Informatives

- 1. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 2. An application for Building Warrant may be required.

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