

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 9 October 2013 at 10.00am.

Present: Councillor T Gray, Councillor B Band (except for Arts. 609(3)(vii) and 609(3)(viii)), H Anderson (except for Arts. 609(3)(vii) and 609(3)(viii)), M Barnacle (except for Arts. 607(1)(i), 609(3)(vii) and 609(3)(viii)), I Campbell, D Cuthbert (except for Art. 607(1)(i)), A Gaunt (except for Arts. 609(3)(vii) and 609(3)(viii)), J Giacomazzi, J Kellas, A Livingstone (except for Arts. 609(3)(vii) and 609(3)(viii)), M Lyle and G Walker.

In Attendance: Councillor W Robertson (Art. 607(1)(i)); D Littlejohn (up to and including Art. 609(3)(iii)); P Marshall (Art. 607(1)(i)), N Brian, A Condliffe, J Thomson, K Steven, M Barr, N Moran, K Cowey and G Harwood (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Apologies: Councillor C Gillies.

Councillor T Gray, Convener, Presiding.

604. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

605. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, declarations of interest were declared as follows:

- (i) Councillors M Barnacle and D Cuthbert declared a non-financial interest in Art. 607(1)(i).
- (ii) Councillors H Anderson, B Band, A Gaunt and A Livingstone declared a non-financial interest in Arts. 609(3)(vii) and 609(3)(viii).

606. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 11 September 2013 (Arts. 518-521) was submitted, approved as a correct record and authorised for signature.

COUNCILLORS M BARNACLE AND D CUTHBERT, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT.

607. APPLICATIONS FOR DETERMINATION

(1) Application Previously Considered

Councillor T Gray advised the Committee that, following normal practice when an application had previously been deferred by the Committee, notification that the following application would be on the agenda had not been issued to interested parties. However, deputation requests had been made by two of the local members for Ward 8 and a representative from Fossoway and District Community Council.

The Committee was asked:

- (i) Whether they were in agreement to hear the deputation requests for Planning Application 12/00546/FLL;
- (ii) Would they support the Convener's intention that these deputations should restrict their remarks to the two matters for which the application was previously deferred?

Resolved:

The Committee agreed:

- (i) To hear the deputation requests for Planning Application 12/00546/FLL;
- (ii) Not to restrict the speakers to any particular matter.

Following agreement to hear the requested deputations, the Convener then asked the Committee if they were minded to hear a deputation from the applicant's agent thereafter. If they were so minded, this would require suspension of Standing Order 59.

Resolved:

The Committee unanimously agreed to suspend Standing Order 59 to enable the applicant's agent to address the Committee.

- (i) 12/00546/FLL – CROOK OF DEVON – Formation of five permanent gypsy/traveller pitches (partly in retrospect), road access improvements and landscaping and tree planting on land at Crook Moss, Crook of Devon – Messrs J Johnstone and M MacDonald – Report 13/487**

Councillor M Barnacle, one of the elected members representing Ward 8, Kinross-shire, addressed the Committee and, following his representation, left the Chambers and took no part in the debate or deliberation thereafter.

W Robertson, one of the elected members representing Ward 8, Kinross-shire, Mr A Lavery, on behalf of Fossoway and District Community Council, objectors to the application and Mr F Marr, agent on behalf of the applicant, all addressed the Committee and, following their respective representations, withdrew to the public benches.

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Resolved:

Grant, subject to the following conditions and an amended Condition 16 as undernoted:

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. Prior to any further work taking place on the site and within 2 months of the date of the planning consent, the applicant shall submit details of a suitable SUDS scheme, to be implemented alongside the foul drainage infrastructure, all for the approval of the Planning Authority.
3. Within 2 months of the date of the planning consent the vehicular access shall be formed and permanently maintained in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
4. Within 2 months of the date of the planning consent the access shall be provided with a bitumenously bound surface and maintained to the satisfaction of the Planning Authority.
5. The gradient of the access 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 road.
6. Within 2 months of the date of this consent turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be permanently maintained to the satisfaction of this Council as Planning Authority.
7. Within 2 months of the date of this consent a minimum of 2 No. car parking spaces per pitch shall be provided within the site and shall be permanently maintained to the satisfaction of this Council as Planning Authority.
8. The area of land directly adjacent and to the north of the application site which is within the applicants' ownership and indicated as a paddock area, shall remain as such and shall not be used for any other purpose unless otherwise agreed in writing with the 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 nearby domestic property.
10. A water supply complying with the appropriate British Standard and in accordance with Scottish Water Byelaws currently in force, or where applicable the Private Water

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Supply (Scotland) Regulations 2006, shall be provided on the site as soon as practicable. Water supply to caravans shall be supplied through pipes not less than 12.5mm in diameter and approved by the Planning Authority.

11. With regard to the residential caravans, a supply of pure and wholesome water complying with the Water Supply (Water Quality) Regulations 2000, or where applicable the Private Water Supply (Scotland) Regulations 2006, shall be provided and shall be connected to all washing and sanitary facilities within the residential caravans as soon as is practicable to the satisfaction of the Planning Authority. Adequate precautions shall be taken (or cause to be taken) to protect all service water pipes between the connection to the water main and fittings within the caravans, all to the satisfaction of the Planning Authority.
12. All plant or equipment associated with operation of the site shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
13. Each of the five gypsy/traveller pitches should have in place a suitably enclosed and acoustically insulated fixed housing unit in which to install any generator brought onto site to the satisfaction of the Planning Authority. This should be installed within 3 months of the date of this consent unless otherwise agreed in writing with the Planning Authority.
14. The private waste water treatment plant and surface water discharge proposals shall be carried out in accordance with Resource & Environmental Consultants Ltd Drainage Assessment dated May 2013 and carried out within the timescale indicated under Condition 16 of this consent, that is only after the foul drainage infrastructure has been installed at Harelaw Farm, all to the satisfaction of the Planning Authority.
15. The landscaping proposals including tree and hedge planting shall be implemented within 6 months of the date of this consent or within the first planting season and thereafter maintained to the satisfaction of the Planning Authority.
16. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation as outlined in the Drainage Assessment attached to this consent carried out by REC and dated May 2013 and confirmed by SEPA and SNH as satisfactory shall be installed at Harelaw Farm prior to the foul drainage infrastructure becoming

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operational at the development site and within 3 months of the date of this consent. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained thereafter all to the reasonable satisfaction of the Planning Authority.

17. Prior to the drainage infrastructure becoming fully operational at the development site the applicant shall submit to the Planning Authority an approved CAR licence under the Water Environmental (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project and that the Planning Authority has confirmed receipt of this licence in writing.

Justification

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

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. 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.
3. The application site will require a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960.
4. A Building Warrant will be required for this proposal.
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.

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COUNCILLORS M BARNACLE AND D CUTHBERT RETURNED TO THE CHAMBERS AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

608. DEPUTATIONS

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

Planning Application No.	Art. No
13/00089/FLL	609(3)(i)
13/00814/FLL	609(3)(iii)
13/00873/IPL	609(3)(iv)
13/01169/LBC	609(3)(v)

609. APPLICATIONS FOR DETERMINATION (cont)

(2) Major Applications

- (i) **12/00431/FLM – AUCHTERARDER – Residential development comprising 143 dwellinghouses/flats, roads, footpath, openspace and associated works on land south east of Townhead, Auchterarder – Robertson Homes Limited – Report 13/488**

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. 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 approved landscaping and planting scheme for the site shall be fully implemented within 6 months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the satisfaction of the Planning Authority, maintenance shall include the replacement of plant stock which fails to survive for whatever reason as often as is required to ensure the establishment of the approved landscaping scheme.

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4. Prior to occupation of the development the recommendations contained in the report titled 'Noise Impact Assessment, Townhead Farm, Auchterarder' dated 23 November 2011 from RMP shall be implemented to the satisfaction of the Planning Authority.
5. The houses shall be designed and constructed such that at the time of completion internal noise levels in bedrooms from road traffic noise shall not exceed L_{Aeq} 2300-0700 35dB, with windows open. In any bedroom where such a level is not achievable with windows open, sound insulating mechanical ventilators shall be installed. This would be in addition to any acoustic trickle ventilators to be provided. Details of the required noise mitigation shall be submitted for the approval of the Planning Authority prior to occupation of the development.
6. The development shall be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey dated October 2011 and the Bat Survey dated June 2012 by URS Scott Wison to the satisfaction of the Planning Authority.
7. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation and use of the approved development.
8. 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.
9. Prior to the occupation or use of the approved development the passenger waiting facilities on the A824 opposite and adjacent to the new development access shall be upgraded to include new 3-bay enclosed bus shelters in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority.
10. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

Justification

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

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Procedural Note

This consent shall not be issued until such time as a Section 75 Agreement is concluded to cover the following Heads of Terms – affordable housing, community facility contribution, sports facility contribution, road improvement works contribution and primary education contribution.

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. The applicant should be 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.
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) **13/00942/FLM – PERTH – Modification of existing consent (Ref: 11/01333/FLM) – Replacement of care home with 50 sheltered units at site of Tayside Care Home, Isla Road, Perth – Faskally Care Home Ltd and McCarthy and Stone – Report 13/489**

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N Brian, Development Quality Manager, advised the Committee that, should they be minded to approve Planning Application 13/00942/FLM, they take note that Paragraph 77 should read "...49 parking spaces proposed....." (as opposed to 29).

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of any works on-site precise details of an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full and operated and maintained, within the kitchen area(s), such that cooking odours are not exhausted into or escape into any neighbouring properties, all to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on-site precise details of the air conditioning systems shall be submitted for the approval in writing by the Council as Planning Authority, and thereafter implemented in full to the satisfaction of the Council as Planning Authority. All plant or equipment including any ventilation or air conditioning systems associated with the operation of the sheltered housing units be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart to the satisfaction of the Council as Planning Authority.
5. Prior to the commencement of any works on-site, precise details of all external lighting shall be submitted for the approval in writing by the Council as Planning Authority, and thereafter implemented in full to the satisfaction of the Council as Planning Authority. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised, to the satisfaction of the Council as Planning Authority.

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6. The hours of deliveries to sheltered accommodation shall be restricted to 07.00 to 18.00 hours Monday to Saturday and 08.00 to 17.00 hours on Sunday, unless otherwise agreed in writing by the Council as Planning Authority.
7. A detailed scheme to deal with contamination on the site shall be submitted prior to the commencement of any works on-site. The scheme shall contain details of proposals to deal with contamination to include:
 - a) the nature, extent and type(s) of contamination on the site
 - b) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - c) measures to deal with contamination during construction works
 - d) condition of the site on completion of decontamination measures.

Prior to the occupation of either the care facility or any of the dwellings, the measures to decontaminate the site as approved by the Council as Planning Authority shall be fully implemented.
8. All trees which are shown as being retained shall be adequately protected by stout fencing during the course of construction and appropriate root protection zones (RPZ) implemented, to the satisfaction of the Council as Planning Authority. A detailed plan showing the extent of the fencing and the extent of the RPZ shall be submitted for the approval in writing by the Council as Planning Authority prior to the commencement of any ground works on site.
9. 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.
10. Within six months of the development being occupied a detailed Travel Plan, aimed at encouraging more sustainable means of travel, shall be submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the site and will include targets for modal shift from the private car to more sustainable means of transport. It will also identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
11. Prior to the commencement of any works on-site, a Construction Method Statement (CMS) shall be submitted for the approval in writing by the Council as Planning Authority which identifies measures to prevent harmful

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materials potentially entering the River Tay SAC during the construction phases, which could reduce water quality and have a detrimental impact upon the interests of the Special Area of Conservation. The CMS should include the following:

- a) pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
- b) storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods;
- c) construction site facilities, including extent and location of construction site huts, vehicles, equipment, and materials compound;
- d) timing, duration and phasing of construction

The approved CMS shall be implemented in full to the satisfaction of the Council as Planning Authority.

12. The windows on the north elevation of the ground, first and second floor of the proposal named and highlighted in PURPLE on the approved plans shall be opaque or obscure glazing for perpetuity, to the satisfaction of the Council as Planning Authority.
13. Prior to the commencement of any works on site precise details of the means of disposal of surface water shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full to the satisfaction of the Council as Planning Authority.
14. Prior to the commencement of any works on site precise details of all on site waste and recycle facilities shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.
15. Prior to the commencement of any works on site a detailed landscaping and planting scheme shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.
16. Prior to the commencement of any works on site precise details of all external wall and roof finishes for both the sheltered housing and boundary walls shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

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Justification

The application is considered to be a departure from the Development Plan in that it does not provide for Education Infrastructure Developer Contributions. The development is considered to be acceptable as the built form, facilities and nature of the housing being provided means that it is indistinguishable from a sheltered housing development as defined in the Council's Development Contributions Supplementary Guidance.

Procedural Note

Permission will not to be issued until the requisite financial contribution to enable the securing of the affordable housing site has been paid or a Legal Agreement has been completed and signed in respect of the following issue: -

Affordable housing contribution

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.

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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.

5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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 developer is advised to contact the Council's Community Waste Adviser in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.

(3) Local Applications

(i) 13/00089/FLL – DONAVOURD – Engineering works to pond at Land to the East of the U165, Donavoured – Braemore Estates – Report 13/490

Mr A Holmes, on behalf of local residents and as Chairman of the Pitlochry and Moulin Community Council and Mr G Dilworth, Planning Convener of Pitlochry Civic Trust, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and A Livingstone) – Refuse, on the grounds that (i) the proposed re-planting plan will not have entirely make up for the loss of mature trees from the site and will have an impact on the visual amenity of the area; (ii) the proposal is contrary to (a) Policy 7 of the Highland Area Local Plan and Policy EP of the Proposed Local Development Plan in that there is a potential flooding risk and (b) Policy 17 of the Highland Area Local Plan and Policy NE3 of the Proposed Local Development Plan in that it will have a detrimental impact on biodiversity associated with the pond.

Amendment (Councillors J Kellas and A Gaunt) – Grant, subject to the terms and conditions contained in Report 13/490.

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

4 members voted for the Amendment as follows:
Councillor T Gray, A Gaunt, J Giacobazzi and J Kellas.

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8 members voted for the Motion as follows:
Councillors B Band, H Anderson, M Barnacle, I Campbell, D
Cuthbert, A Livingstone, M Lyle and G Walker.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

- (ii) **13/00764/FLL – CRIEFF – Demolition of existing dwelling and erection of four bedsit dwellings, Inverlaggan, 51 Burrell Street, Crieff – G S Brown Construction Ltd – Report 13/491**

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 would justify a departure therefrom.

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 being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

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5. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact Scottish Natural Heritage (SNH) at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

(iii) **13/00814/FLL – MILNATHORT – Erection of replacement football/community pavilion at Donaldson Memorial Park, Church Street, Milnathort – Fossoway Football Club – Report 13/492**

Mr S Young, on behalf of objectors to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors J Giacomazzi and M Barnacle) – Refuse, on the grounds that the proposal will be detrimental to residential amenity and it is felt there are better sites for the proposed building.

1st Amendment (Councillors J Kellas and H Anderson) – Defer, to allow the applicant to provide further information as to why the proposed site was selected.

2nd Amendment (Councillors B Band and A Livingstone) – Grant, subject to the terms and conditions contained in Report 13/492 and an additional condition prohibiting the sale and/or consumption of alcohol on the premises.

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

4 members voted for the 2nd Amendment as follows:
Councillors T Gray, B Band, A Gaunt and A Livingstone.

8 members voted for the 1st Amendment as follows:
Councillors H Anderson, M Barnacle, I Campbell, D Cuthbert, J Giacomazzi, J Kellas, M Lyle and G Walker.

2nd Amendment – 4 votes

1st Amendment – 8 votes

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In accordance with the 1st Amendment which then became the substantive Amendment.

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

7 members voted for the Amendment as follows:
Councillors T Gray, B Band, H Anderson, A Gaunt, J Kellas, A Livingstone and G Walker.

5 members voted for the Motion as follows:
Councillors M Barnacle, I Campbell, D Cuthbert, J Giacobazzi and M Lyle.

Amendment – 7 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

(iv) 13/00873/IPL – MILNATHORT – Residential Development (in principle), Forth Wines Ltd, Crawford Place, Milnathort – Report 13/493

Mr E Cameron, on behalf of the applicants, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors J Kellas and J Giacobazzi) – Grant, subject to terms and conditions to be formulated by the Development Quality Manager, including a condition relating to developer contribution.

Justification

The proposal accords with the strategy of the Proposed Local Development Plan 2012 and the economic pressures of the applicant justify the approval before the outcome of the LDP Examination is known.

Amendment (Councillors M Barnacle and T Gray) – Defer, until the outcome of the Proposed Local Development Plan is known.

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

3 members voted for the Amendment as follows:

Councillors T Gray, M Barnacle and M Lyle.

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9 members voted for the Motion as follows:

Councillors B Band, H Anderson, I Campbell, D Cuthbert,
A Gaunt, J Giacobazzi, J Kellas, A Livingstone and G Walker.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

- (v) **13/01169/LBC – PERTH – Installation of window boxes, CCTV, hanging decorations and the display of advertisements (in retrospect) at 2 Barossa Place, Perth – Alexander Residence – Report 13/494**

Mr M Alexander, applicant and Mr G Bush, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors A Livingstone and M Lyle) – Grant, subject to the following condition:

- 1. The holes associated with previous brackets above the Barossa Place entrance shall be filled in with an appropriate lime mortar mix within 6 months of the date of this approval.**

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Note

This application is covered by Historic Scotland's scheme for non-notifiable listed building consent applications and is therefore not required to be ratified by Historic Scotland. The application will require to be sent to Historic Scotland within 5 days of Listed Building Consent being issued for monitoring purposes.

Amendment (Councillors I Campbell and B Band) – Refuse, as the proposal is contrary to Policies HE2 and HE3 of the Proposed Local Development Plan 2012.

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

2 members voted for the Amendment as follows:

Councillors B Band and I Campbell.

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10 members voted for the Motion as follows:

Councillors T Gray, H Anderson, M Barnacle, D Cuthbert, A Gaunt, J Giacomazzi, J Kellas, A Livingstone, M Lyle and G Walker.

Amendment – 2 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF THE REMAINING APPLICATIONS.

- (vi) **13/01543/FLL – KINROSS – Erection of dwellinghouse (Modification of 08/01803/FLL change of house type) at Balneathill House, Easter Balgedie, Kinross – Mr P Foniciello – Report 13/497**

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. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter.
3. Prior to the occupation or use of the approved development a minimum of 2 car parking spaces shall be provided within the site and shall be maintained permanently thereafter.
4. All recommendations contained within the submitted "Tree Survey and Arboricultural Report" dated November 2008 (submitted under Ref 08/01803/FLL) shall be fully undertaken to the satisfaction of the Council as Planning Authority.
5. Prior to the commencement of development, details of the proposed new planting as outlined in the Tree Report shall be submitted and agreed in writing by the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
7. A Right of way (Dryside Road) runs along the southern boundary and access to the development. The track shall be kept free from obstruction during building works

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and on completion of the development and any damage done to the route shall be reinstated to the satisfaction of the Council as Planning Authority prior to the sale or occupation of the dwellinghouse

8. Details of the specification and colour of the proposed external finishes shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The details as approved shall be implemented prior to the occupation and/or use of the development.
9. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use and such scheme as may be approved shall be completed prior to the occupation of the development.

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

COUNCILLORS B BAND, A GAUNT, H ANDERSON, M BARNACLE AND A LIVINGSTONE ALL LEFT THE CHAMBERS AT THIS POINT.

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(vii) **13/01395/LBC – PERTH – Alterations and extension to Perth Theatre 185 High Street, Perth – Horsecross Arts Ltd – Report 13/495**

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. No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the local 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 reasonable satisfaction of the local Planning Authority in agreement with Perth & Kinross Heritage Trust.
3. No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of this Council as local Planning Authority.
4. No development shall take place until full details of both hard and soft landscaping works for the public realm between Mill Street and the new theatre entrance have been submitted to and approved in writing by the local Planning Authority and these works shall be carried out as approved prior to the occupation of the building/site being brought into use or earlier. These details shall include pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, signs, lighting etc.). Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and intended implementation programme.
5. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in

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- any nearby noise-sensitive property all to the reasonable satisfaction of this Council as local Planning Authority.
6. The sound proofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby noise-sensitive property all to the reasonable satisfaction of this Council as local Planning Authority.
 7. All plant or equipment (including any ventilation system) shall be acoustically enclosed to attenuate sound, such that it does not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours and Noise Rating 25 between 2300 and 0700 hours. The rating shall be calculated within any neighbouring dwelling with windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, if considered necessary by the Council as Planning Authority in the event of a noise nuisance complaint being authenticated.
 8. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours from the development are not exhausted into or escape to any neighbouring property all to the reasonable satisfaction of this Council as Local Planning Authority.
 9. Deliveries and collections of all goods and materials associated with this development shall be restricted to 0700 hours - 2100 hours Mondays – Saturdays and at no other time all to the reasonable satisfaction of this Council as local Planning Authority.
 10. All external lighting installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that all light spillage beyond the boundaries of the site is minimised all to the reasonable satisfaction of this Council as local Planning Authority.

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. 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

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123(1) of that Act, which may result in enforcement action being taken.

2. 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.
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 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. No work shall be commenced until an application for Listed Building Consent has been approved.
7. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.

(viii) 13/01396/LBC – PERTH – Alterations and extension to Perth Theatre 185 High Street, Perth – Horsecross Arts Ltd – Report 13/496

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 listed building consent.
2. That no demolition or downtakings associated with this consent shall be undertaken until the Royal Commission on the Ancient and Historical Monuments of Scotland have either recorded the building(s) or have indicated in writing that they do not wish to record the building(s).

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3. No development shall commence until a photographic survey cross referenced to survey plans and elevations has been submitted to and approved in writing by the Council as local Planning Authority.
4. No developments shall commence until detailed drawings of the junctions between the retained historic fabric and new work have been submitted to and approved in writing by the local Planning Authority in consultation with Historic Scotland. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Council as local Planning Authority.
5. No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Council as local Planning Authority.
6. No development shall commence until precise details for the decoration and re-furnishing of the auditorium have been submitted to and approved in writing by the local Planning Authority in consultation with Historic Scotland. This will require to be supported by historic analysis to support the decoration and furnishing/refurnishing scheme. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Council as local Planning Authority.

Justification

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

Procedural Note

As the application involves substantial work to Category B Listed Buildings the consent shall not be issued until formal ratification from Historic Scotland has been received.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. This is approval of application Ref No. 13/01396/LBC for listed building consent only. It does not include any approval of the related application for planning consent Ref No. 13/01395/FLL. Work should not therefore commence until planning consent is received.

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