

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 13 April 2011 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, I Campbell, A Cowan (substituting for Councillor C Gillies), J Kellas, W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: D Littlejohn (up to and including Item 194(2)(ii)), N Brian, A Condliffe, T Brydone, J Thomson, J Ferguson, N McCowan Hill, J Williamson (from Item 194(2)(iii)), K Stirton (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors L Caddell, E Grant, C Gillies and A Jack.

Councillor W Wilson, Convener, Presiding.

Prior to the commencement of the meeting, N Brian, Development Quality Manager, updated the Committee with regard to Planning Application 09/01289/FLM – Kinross, which had been considered at the Special Meeting of the Development Control Committee on Monday 28 March 2011. He advised that, following approval of the application by the Committee, discussions had been held with the Scottish Government with a view to changing the wording of certain conditions, which had been helpful in progressing the proposals. He advised that the applicant has to sign the Section 75 agreement with a view to formal consent being issued by the Scottish Government.

The Convener wished his thanks to the Development Control Committee for their patience and deliberation with this application to be noted.

191. DECLARATIONS OF INTEREST

Councillor H McDonald declared a non-financial interest in Art. 194(2)(i) – 10/01555/FLL – Crieff – in terms of the Councillors' Code of Conduct.

192. MINUTES OF PREVIOUS MEETINGS

- (i) The Minute of Meeting of the Development Control Committee of 16 March 2011 was submitted, approved as a correct record and authorised for signature.
- (ii) The Minute of Special Meeting of the Development Control Committee of 28 March 2011 was submitted, approved as a correct record and authorised for signature.

193. DEPUTATIONS

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

Planning Application No.	Article No.
09/02212/FLM	194(1)(i)
10/02190/IPM	194(1)(ii)
11/00099/IPM	194(1)(iii)
10/01913/FLL	194(2)(ii)
11/00023/FLL	194(2)(iii)
11/00213/FLL	194(2)(iv)

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

194. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 09/02212/FLM – MUTHILL – Erection of 8 wind turbines, formation of entrance, tracks, met mast, sub station and temporary construction compound on land east and south of Standingfauld Farm, Muthill – Standingfauld Wind Energy Limited – Report 11/148**

Mr N Brian, Development Quality Manager, advised the Committee that the proposal was contrary to Policies 1, 2, 3, 5 and 11 of the Strathearn Local Plan 2001 (not Policy 4 as stated in Report 11/148). He also requested that, should the Committee be minded to refuse the application the wording of Reasons 1 and 2 of Report 11/148 be amended to include additional wording.

Mr M Hayes, agent on behalf of the applicant and Mr K Gauld, landowner, followed by Mr I Kelly, objector, who was also speaking on behalf of Mr N Gray, Colliers International Ltd and Mr I Gotts, on behalf of Gleneagles Hotel and GWest, all objectors to the application addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons, with Reasons 1 and 2 being amended to read as undernoted:

1. Through the siting, size of turbines and prominence, the proposals would have a major adverse impact on existing landscape character and the visual amenity of the existing 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 National Scottish Planning Policy Guidance (SPP); Perth & Kinross Structure Plan 2003, Environment & Resource Policies 4

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

- & 14: and Strathearn Local Plan 2001 Policies 1,2,3,5 & 11 in that the development would not maintain or improve the quality of the natural environment, would not have an adequate landscape framework, would be against the principles of the Tayside Landscape Character Assessment and would not fit its location.
2. 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 cumulative impact on existing landscape character and visual amenity and impact adversely on serial views from important strategic transport routes through 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 National Scottish Planning Policy Guidance (SPP); Perth & Kinross Structure Plan 2003, Environment & Resource Policies 4 & 14; and Strathearn Local Plan 2001 Policies 1,2,3, 5 & 11 in that the development, through the cumulative impact would not maintain or improve the quality of the natural environment, would not have an adequate landscape framework, would be against the principles of the Tayside Landscape Character Assessment and would not fit its location.

Justification

The proposal is contrary to the Development Plan and there are no material considerations to justify a departure therefrom.

(ii) 10/02190/IPM – PERTH – Residential development (in principle) on Land North East of Summerhill, Bellwood Park, Perth – Edinmore Properties Ltd – Report 11/149

Mr R Matthew, agent on behalf of the applicants, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The approved Perth Structure Plan 2003 in Environment and Resources Policy 5 requires a green belt to be designated around Perth where there will be a presumption against development; the proposal would be contrary to this policy.
2. The proposal is contrary to Policies 11, 12 and 13 of the Perth Area Local Plan 1995 where it relates to Areas of Great Landscape Value (AGLV). The site is elevated and visible over wide areas of Perth and built development would harm the landscape character of the AGLV

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

contrary to Policy 11. The application is contrary to Policy 12 which operates a presumption against new build unless supported by an operational need and no such need has been advanced. Finally, the proposal is contrary to Policy 13 which seeks to protect trees and woodland within the AGLV as it involves engineering operations to form a new access requiring the removal of important trees.

3. The proposed development is contrary to Policy 24 in the Perth Area Local Plan 1995 which seeks to protect the character of Conservation Areas and in this case the loss of an important visual and open space will seriously harm the setting of the Conservation Area.
4. The Council's August 2009 policy on Housing in the Countryside applies within AGLV's and specifically discourages development which breaches other Local Plan policies and does not support new development on sites where there is no natural containment and where further extensions to development would be more difficult to contain and control. The proposal involving one of two adjacent fields would be hard to limit under this policy and would be directly contrary to it.
5. The engineering operations involved in forming the new access road and bridge through a residential area would involve the close proximity of an access road to houses and a significant loss of trees which would seriously impair the visual and residential amenity of the neighbouring properties and seriously harm the character of the area.

Justification

The proposal is contrary to the Development Plan and there are no material considerations to justify a departure therefrom.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

- (iii) **11/00099/IPM – PERTH – Residential development (in principle) at Land 20 Metres East of St Marys Monastery, Hatton Road, Perth – Cala Management Ltd – Report 11/150**

Mr I Kelly, agent on behalf of the applicants, Father J Mulligan and Dr J Urquhart, supporters of the application and Mr N Renfrew, on behalf of Kinnoull Hill Woodlands Group, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and I Campbell) – Refuse, for the following reasons:

1. **The approved Perth and Kinross Structure Plan 2003 in Environment and Resources Policy 5 requires a**

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

- Green Belt to be designated around Perth where there will be a presumption against development, the proposal would be contrary to this policy.**
- 2. The proposal is contrary to Policies 11, 12 and 13 of the Perth Area Local Plan 1995 where it relates to Areas of Great Landscape Value (AGLV). Built development on this site would harm the landscape character of the AGLV contrary to Policy 11. The application is contrary to Policy 12 which operates a presumption against new build unless supported by an operational need and no such need has been advanced. Finally, the proposal is contrary to Policy 13 which seeks to protect trees and woodland within the AGLV as it involves engineering operations to form a new access requiring the removal of important trees.**
 - 3. Policy 32 of the Perth Area Local Plan 1995 and the Council's August 2009 policy on Housing in the Countryside apply within AGLV's and specifically discourage development which breaches other Local Plan policies and does not support new development on sites where further extensions to development would be more difficult to contain and control.**
 - 4. The proposal is contrary to Policy 25 of the Perth Area Local Plan 1995 as no information has been submitted to show that the setting of the Listed Building would be safeguarded.**

Amendment (Councillors J Kellas and S Miller) – Grant subject to suitable conditions including education and affordable housing contributions on the basis of overriding public interest and benefit to the community of preserving the use of St. Marys Monastery and as the proposal is in accordance with Perth and Kinross Structure Plan 2003, Environment and Resources Policy 8, protecting cultural heritage.

Amendment – 5 votes

Motion – 5 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 proposal is contrary to the Development Plan and there are no material considerations to justify a departure therefrom.

- (iv) **11/00092/FLM – PERTH – Alterations and improvements to existing buildings, amendments to access, formation of**

new internal circulation for pedestrian, cyclists and motor vehicles and related improvements and alterations to public realm at St Catherine's Retail Park, Perth – EPISO Boxes LP – Report 11/151

Resolved:

Grant, subject to the following conditions and an additional informative as undernoted:

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The detailed landscaping and planting scheme for the site shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
4. 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.
5. Samples of the exterior finishing materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
6. All roads and associated works, including surface water drainage, shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the completion of the development.
7. Details of the proposed provision of secure cycle storage shall be submitted for the approval of the Planning Authority prior to the commencement of the development.

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

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 requested to consider the provision for local recycling facilities within the layout and should contact the Council's Recycling Officer to discuss this further.

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

(2) Local Applications

(i) 10/01555/FLL – CRIEFF – Erection of 4 dwellinghouses and garages, Academy House, Ewanfield, Crieff – Morrison's Academy – Report 11/152

Mrs A Condliffe advised the Committee that the Site History of Report 11/152 referred to Planning Application 06/02582/FLL being refused at the Development Control Committee of 16 May 2007. The actual date of refusal was 27 June 2007.

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 occupation or bringing into use of any of the dwellinghouses hereby approved, the vehicular accesses shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority, unless otherwise agreed in writing.
4. All trees shown as being retained in the drawings hereby approved shall be protected during construction to the standards set out in BS 5837 2005 to the satisfaction of the Council as Planning Authority.

Justification

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

Procedural Note

The decision notice cannot be issued until such time as the upfront payment or the requisite Section 75 agreement for the payment of the education contribution has been signed.

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. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
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.

COUNCILLOR H McDONALD RETURNED TO THE CHAMBERS AT THIS POINT.

- (ii) **10/01913/FLL – BIRNAM – Alterations and extension (Modification to existing consent 09/01711/FLL) at Rivendell Residential Home, Oak Road, Birnam – Mr Alistair Stewart – Report 11/153**

Mr N Brian, Development Quality Manager, requested that, should the Committee be minded to approve the application, the wording of Condition 5 be amended.

Mr M English, on behalf of the applicant and Mr A Stewart, the applicant, and Mr G Allardyce and Mr D Cross, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

Resolved:

Grant, subject to the following conditions, with Condition 5 being amended to read as undernoted:

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The uPVC windows and doors are not approved. All new windows and doors shall be timber. Details of the specification and colour of the proposed new windows and external doors 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.
4. All existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority. A plan showing all trees and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
5. Before any works start on site the applicant shall submit details of protective measures for the hedge along the northern boundary of the site for the prior approval of this Council and such details as agreed shall be implemented prior to any start on site and maintained until development has been completed, all to the satisfaction of this Council as Planning Authority.
6. The recommendations outlined in the Construction Method Statement shall be followed to the satisfaction of 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.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

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.

FOLLOWING AN ADJOURNMENT FOR LUNCH, THE COMMITTEE RE-CONVENED.

(iii) 11/00023/FLL – PITLOCHRY – Erection of 12 affordable flats, Perth and Kinross Council, Rie-Achan Road, Pitlochry – Perth and Kinross Council – Report 11/154

Mr S Salins, Architect, on behalf of the applicant, Mr J Pearson, on behalf of Pitlochry and Moulin Community Council, and Mr G Dilworth and Mr R Williamson, on behalf of Pitlochry and Moulin Civic Trust, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the grounds that the proposal is contrary to:

1. Policy 5, Paragraphs (b), (d) and (e) of the Highland Area Local Plan 2000 in relation to design and materials amenity;
2. Policy 85 of the Highland Area Local Plan 2000 in that it does not preserve or enhance the Conservation Area; and
3. Visual amenity not according with the area.

Justification

The proposal is contrary to the Development Plan and there are no material considerations to justify a departure therefrom.

Councillor W Wilson moved a Motion that the application be granted. Upon failing to find a seconder, the Motion fell.

COUNCILLOR K LYALL LEFT THE MEETING AT THIS POINT

(iv) 11/00213/FLL – PERTH – Erection of extension to form a hot food take-away shop at 75-77 Balhousie Street, Perth –Mrs Sabiha Hussain – Report 11/155

Mr B Batchelor and Ms K Peoples, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

Motion (Councillors M Lyle and W Lumsden) – Refuse, on the grounds that the application is contrary to Policy 41 of the Perth Area Local Plan 1995 in that it will significantly affect the amenity of the area by way of noise, litter and traffic issues as a result of the proposal.

Amendment (Councillors B Band and J Kellas) – Grant, subject to conditions contained in Report 11/156.

Amendment – 4 votes

Motion – 4 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 proposal is contrary to the Development Plan and there are no material considerations to justify a departure therefrom.

(3) Applications with Council Interest (objections)

- (i) 10/02089/FLL – PERTH – Formation of recycling point for glass and textiles within existing car park adjacent to Fittis Road, Perth – Perth and Kinross Council – Report 11/156**

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The hours of servicing of the recycling point shall be restricted to between 0800 hours and 1900 hours.

Justification

Overall the application is considered to comply with the adopted Perth Area Local Plan 1995. Having taken account of material considerations none have been found that would justify overriding the adopted Development Plan.

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

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. 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) Applications with Council Interest (no objections)

- (i) **10/02103/FLL – KINROSS – Change of use of public open space to private garden ground and the erection of a wall with railings at Roselea, 10 School Wynd, Kinross – Perth and Kinross Council – Report 11/157**

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.

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 APRIL 2011

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.

(ii) 10/02169/FLL – STANLEY – Erection of Stone Wall and Installation of Sculpture, The Square, Perth Road, Stanley – Perth and Kinross Council – Report 11/158

Resolved:

Grant, subject to the following conditions:

1. The development shall be commenced within a period of three years from the date of this consent.
2. 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.
3. The sculpture, retaining wall and planted areas shall be maintained 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 there from.

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.

~~~~~