

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
2 July 2008

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 2 July 2008 at 9.30am.

Present: Councillors K Lyall, R Band, L Caddell, I Campbell, E Grant, A Jack, J Kellas, W Lumsden, M Lyle (excluding Arts. 419(1) and (2)) and H McDonald.

In Attendance: Councillors M Barnacle (Art. 419(5)), J Law (up to and including Art. 419(2)), B Vaughan (up to and including 419(3)) and A Wylie (up to and including 419(3)); N Brian, A Condliffe, A Baxter, B Clough (Art. 419(6)), A Fleming, J Russell, A Smith (Art. 419(6) only) K Stirton, M Watson and M Williamson (up to and including Art. 419(2)) (all The Environment Service); C Elliott (Corporate Services); A Brown (up to and including Art. 419(2)) and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors A MacLellan and W Wilson.

Councillor K Lyall, Convener, Presiding.

416. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Arts 419(1) and (2) in terms of the Councillors' Code of Conduct.

417. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 28 May 2008 (Arts. 329-333) was submitted, approved as a correct record and authorised for signature.

418. DEPUTATIONS

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

Planning Application No.	Article No.
06/02088/FUL	419(1)
06/02089/MW	419(2)
07/01938/FUL	419(3)
07/02234/OUT	419(4)
07/02825/OUT	419(6)
08/00248/OUT	419(7)

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

COUNCILLOR M LYLE LEFT THE MEETING AT THIS POINT.

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419. PLANNING APPLICATIONS FOR DETERMINATION

(1) 06/02088/FUL – BRACO – Extension to existing sand and gravel workings at Braco Castle Farm, Braco – Mr James McCaig – Report 08/367

N Brian, Development Quality Manager, advised the Committee that the hours of operation stated in Page 1, Paragraph 1 of Report 08/367 should read “0830 – 1700 hours”. He also advised the Committee that Page 11, Paragraph 56 of Report 08/367 should have referred to a scoping opinion being lodged rather than to the Scottish Ministers concluding that the proposal was not likely to have a significant effect on the environment by virtue of its nature, size, location and potential impact. He advised that if the Committee was minded to approve, the Executive Director (Environment) had intimated that appropriate noise conditions should be added.

Mr A Pollock, agent on behalf of the applicant, Mr S Forsyth and Ms M Robertson, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor J Law, elected member representing Ward 7, addressed the Committee.

Motion (Councillors R Band and H McDonald) – Refuse, for the following reasons:

- 1. A safe exit could not be achieved from the site.**
- 2. There would be an irreversible loss to the landscape setting of nationally important antiquities.**
- 3. There would be a loss of recreational and tourist visual amenity in a nationally designated landscape.**
- 4. The environmental danger of flooding on the Knaik River.**
- 5. There would be an adverse impact on the amenity of the village of Braco.**

Amendment (Councillors E Grant and K Lyall) – Grant, subject to additional conditions with regard to the control of noise, as approved by the Executive Director (Environment); and the conditions as detailed in Report 08/367.

Amendment – 2 votes

Motion 7 votes

Resolved:

In accordance with the Motion.

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(2) 06/02089/MW – BRACO – Extension to existing sand and gravel workings at Braco Castle Farm, Braco – Mr J McCaig – Report 08/368

N Brian, Development Quality Manager, advised the Committee that the hours of operation stated in Page 1, Paragraph 1 of Report 08/368 should read “0830 – 1700 hours”. He also advised the Committee that Page 11, Paragraph 56 of Report 08/368 should have referred to a scoping opinion being lodged rather than to the Scottish Ministers concluding that the proposal was not likely to have a significant effect on the environment by virtue of its nature, size, location and potential impact. He advised that if the Committee was minded to approve, the Executive Director (Environment) had intimated that appropriate noise conditions should be added.

Mr A Pollock, agent on behalf of the applicant, Mr S Forsyth and Ms M Robertson, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor J Law, elected member representing Ward 7, addressed the Committee.

Motion (Councillors R Band and H McDonald) – Refuse, for the following reasons:

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- 3. There would be a loss of recreational and tourist visual amenity in a nationally designated landscape.**
- 4. The environmental danger of flooding on the Knaik River.**
- 5. There would be an adverse impact on the amenity of the village of Braco.**

Amendment (Councillors E Grant and K Lyall) – Grant, subject to additional conditions with regard to the control of noise, as approved by the Executive Director (Environment); and the conditions as detailed in Report 08/368.

Amendment – 2 votes

Motion 7 votes

Resolved:

In accordance with the Motion.

COUNCILLOR M LYLE RETURNED TO THE MEETING AT THIS POINT.

FOLLOWING A 15 MINUTE ADJOURNMENT THE COMMITTEE RECONVENED.

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(3) 07/01938/FUL – BIRNAM – Formation of a wind farm (14 turbines) and associated infrastructure works at Logiealmond, by Dunkeld – AMEC Project Investments Limited – Report 08/369

N Brian, Development Quality Manager, advised the Committee that one late letter of representation had been received from Mansfield Estates but no new issues had been raised. He also advised the Committee that Page 26, Paragraph 131 of Report 08/369 should read “..... I do not consider it would affect the integrity of the NSA”.

Mr N Moore, on behalf of the applicant; Ms S Urquhart, on behalf of Mansfield Estates, supporters of the application; Mr A Robertson and Mr I Kelly, on behalf of ASWAG, Ms J Anderson and Mr N McKinnon, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillors B Vaughan and A Wylie, two of the elected members representing Ward 5, addressed the Committee.

Resolved:

Refuse, for the following reasons:

1. The proposal is sited within an inappropriate location, which will have a significant adverse impact on the existing landscape character and the visual amenity of the existing area. Accordingly, the proposal is contrary to SPP6, Environment and Resource Policies 1, 2 and 14 of the Perth and Kinross Structure Plan 2003, Policies 2, 3 and 11 of the Highland Area Local Plan 2000, Policies 2, 3, 4 and 11 of the Strathearn Local Plan 2001 and Guidelines 1 (Landscape) and 2 (Visual Impact) of the Council's supplementary planning guidance for Wind Energy Proposals in Perth and Kinross, which all seek to ensure that the natural environment within Perth and Kinross is not adversely affected by new developments in inappropriate locations.
2. The proposal is sited within an inappropriate location, which will have a significant adverse cumulative impact on the existing landscape character and the visual amenity of the existing area in combination with other wind farms within the locality. Accordingly, the proposal is contrary to SPP6, Environment and Resource Policies 1, 2 and 14 of the Perth and Kinross Structure Plan 2003, Policies 2, 3 and 11 of the Highland Area Local Plan 2000, Policies 2, 3, 4 and 11 of the Strathearn Local Plan 2001 and Guidelines 3 (Cumulative Landscape and Visual Impacts) of the Council's supplementary planning guidance for Wind Energy Proposals in Perth and Kinross, which all seek to ensure that the natural environment within Perth and Kinross is not adversely affected by new developments in inappropriate locations.

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3. The proposal is sited within an area identified as 'Strategically Sensitive Area' within the supplementary planning guidance for Wind Energy Proposals in Perth and Kinross. Accordingly, the proposal is contrary to Wind Energy Policy 2 of this document which states that there is a presumption against wind energy developments within this area unless siting criteria requirements can be met. The proposal fails to meet the required siting criteria.
4. The proposal will have a significant adverse impact on existing wildlife within the site boundaries, particularly bird species listed within Annex 1 of the Birds Directive (Council Directive 79/409/EEC). Accordingly, the proposal is contrary to Environment and Resource Policy 2 of the Perth and Kinross Structure Plan 2003, Policies 14 and 16 of the Highland Area Local Plan 2000, Guideline 5 (Cumulative Impact on Ornithological Interests) of the Council's supplementary planning guidance for Wind Energy Proposals in Perth and Kinross and European Legislation (Birds Directive (Council Directive 79/409/EEC)), which all seek to ensure the protection and conservation of existing wildlife.

(4) 07/02234/OUT – KILLIN – Erection of new Environmental Visitor Centre with associated car parking and formation of new access at land to the north of A827, Killin – T and B Allen – Report 08/370

Mrs B Allen, applicant, and Mr J Allen, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is considered contrary to Perth and Kinross Structure Plan 2003, Sustainable Economy Policy 3 where support is given to measures promoting an integrated flexible and innovative approach to rural development which encompass social and environmental considerations. It is considered that insufficient information has been provided to establish if the proposals can be considered a flexible and innovative approach to development as no business plan has been submitted to determine the long term economic sustainability of the proposed development.
2. The proposal is considered contrary to Perth and Kinross Structure Plan 2003 Sustainable Economy Policy 9 as insufficient information has been provided to indicate whether the proposal extends an existing tourist season and/or develops new markets.
3. The proposal is considered contrary to Policy 1 (h) of the Highland Area Local Plan 2000 which seeks to ensure any development proposal is carried out in a manner in keeping with the goal of sustainable development. The lack of a fully detailed

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business plan for the proposal results in there being no justification that the proposal will meet local needs and enhance access to employment, facilities, services and goods.

4. The proposal is considered contrary to Policy 30 of the Highland Area Local Plan 2000 which seeks to support new tourist related development subject to a number of criteria. Insufficient information has been provided to demonstrate that the proposal meets a new market or extends the tourist season.

(5) 07/02613/OUT – RUMBLING BRIDGE – Erection of a workshop, formation of hard standing and temporary siting of a residential caravan at land to the north east of Craiglaw Poultry Farm, Rumbling Bridge – Miss K Ballinger and Mr J Low – Report 08/371

A Condliffe, Planning Officer, advised the Committee that in Page 4, Paragraph 16 of Report 08/371 the wording should read “The site area does not form the curtilage of a working poultry unit.”

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 2 (c) and (f) of the Kinross Area Local Plan 2004 as the close proximity of the proposed residential caravan to the neighbouring poultry units will have a significant detrimental impact upon the residential amenity of the future occupants, due to noise and odour.
2. The proposal is contrary to Policy 1 (c) and Policy 2 (a), (c) and (f) of the Kinross Area Local Plan 2004 as the proposed industrial use would be likely to give rise to the generation of noise and general disturbance to the detriment of the visual and residential amenity of the surrounding area.
3. Insufficient supporting information has been forwarded to demonstrate that the residential aspect of the development is justifiable in terms of operational need. The proposal is therefore contrary to Policy 64 of the Kinross Area Local Plan and the Council's Housing in the Countryside Policy 2005.

(6) 07/02825/OUT – SCONE – Proposed residential development (in outline) at land to the east of Stormont Road, Scone – Defence Estates – Report 08/372

N Brian, Development Quality Manager, advised the Committee that the numbering in the reasons paragraph on Page 7 of Report 08/372 was incorrect. “5-10” should read 5-11 and “12” should read 11.

Ms J Learmonth (on behalf of her parents) and Mr M Moir, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the grounds that the application:

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1. constitutes backland development; and
2. would lead to an irreversible loss of green space in the area including and affecting the character of the area .

(7) 08/00248/OUT – PERTH – Residential development (4-6 units) (in outline) at land to the south of Witchhill, Kinnoull Terrace, Perth – Mr J Munro – Report 08/373

N Brian, Development Quality Manager, advised the Committee of the following alterations to Report 08/373:

- (i) Page 1, Paragraph 2 – “.....the building would have to be at least one and a half storeys in height”
- (ii) Page 2, Paragraph 7 –a safe access could not be achieved”
- (iii) Page 6, Paragraph 34 – “The application fails to meet.....”
- (iv) Page 15, the paragraph entitled Procedural Notes should read “As this proposal has been advertised as a departure from the Development Plan.....”

Mr J Munro, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal will adversely affect the density and character of the amenity of the existing area by virtue of the physical implications of the site to satisfactorily accommodate the development and associated requirements for access, parking, and turning and private amenity space. The proposal is therefore contrary to Policy 41 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) which seeks to ensure that the amenity of existing residential areas is retained.
2. The prominent location of the site and the uncharacteristically high density of the development in relation to adjacent residential properties would result in a proposal that would have a detrimental impact on the character and appearance of the Kinnoull Conservation Area. The proposal is therefore contrary to Policy 58 of the Perth Area Local Plan 1995 (incorporating Alteration No 1, Housing Land 2000), Environment and Resource Policy 8 and guidance contained in the ‘Memorandum of Guidance on Listed Buildings and Conservation Areas’ which all seek to ensure that the architectural and historic character of Conservation Areas will be retained.
3. The proposal will have a detrimental impact on the setting of neighbouring listed buildings. The proposal is therefore contrary to Policy 59 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), Environment and Resource Policy 8 of the Perth and Kinross Structure Plan 2003 and guidance contained in the ‘Memorandum of Guidance on

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Listed Buildings and Conservation Areas' which seeks to ensure that the setting of listed buildings are safeguarded.

4. The proposal is contrary to the aims of Scottish Planning Policy 3: Planning for Housing, which seeks to ensure that the character and amenity of existing residential areas should not be unacceptably damaged by the effects of redevelopment or infill residential development.
5. The proposal fails to provide a satisfactory access into the site, as the access from the end of Kinnoull Terrace is a relatively long narrow street with no turning facilities for large service vehicles, with its junction with Bowerswell Road considered as being seriously restricted in terms of geometry and visibility by existing stone walls. Kinnoull Terrace presently forms the access for six large properties. The proposal would effectively double the number of properties and is unacceptable on the grounds of insufficient provision with regard to access and intensification of use of an existing substandard access, all in the interests of pedestrian and traffic safety.

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