

## DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 22 May 2013 at 9.30am.

Present: Councillors T Gray, B Band, H Anderson, I Campbell, A Gaunt, J Giacobazzi, C Gillies, A Jack (up to and including Art. 307(2)(i)), J Kellas, A Livingstone and G Walker.

In Attendance: Councillor A Cowan (up to and including Art. 307(1)(i)); N Brian, A Condliffe, J Russell (up to and including Art. 307(1)(i)); J Thomson, K Stirton, K Steven (up to and including Art. 307(2)(i)); D Cook (up to and including Art. 307(1)(i)); S Callan (up to and including Art. 307(2)(i)) (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies: Councillors M Barnacle and M Lyle.

Councillor T Gray, Convener, Presiding.

### 304. DECLARATIONS OF INTEREST

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

### 305. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 24 April 2013 (Arts. 228-231) was submitted, approved as a correct record and authorised for signature.

### 306. DEPUTATIONS

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

Planning Application No.	Article No.
11/02151/FLM	307(1)(i)
13/00322/IPL	307(2)(i)
13/00462/FLL	307(2)(ii)
13/00555/FLL	307(3)(ii)

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

## 307. APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **11/02151/FLM – CRIEFF – Erection of nine wind turbines and associated infrastructure including access, tracks, hardstanding areas, control building, substation, cabling, borrow pits and anemometer mast on land at Mull Hill, Abercairney Estate, Crieff – Force 9 energy Partners LLP – Report 13/233**

Mr A Smith, applicant, Mr D Parker and Mr C Pitt, supporters of the application and Ms M Beaumont and Mr J Hughes, on behalf of objectors, addressed the Committee, and, following their respective representations, withdrew to the public benches.

#### **Resolved:**

**Refuse**, for the following reasons:

1. Through the siting, size of the proposed turbines, prominence and visual association with existing and approved windfarms within the locality, the proposals would have a major adverse impact on existing landscape character and visual amenity. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012; and Policies 1, 2, 3, 5 and 11 of the Strathearn Area Local Plan 2001 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
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. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012 and Policies 1, 2, 3, 5 and 11 of the Strathearn Area Local Plan 2001 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
3. The size prominence and siting of some turbines are considered to have an impact on the setting of A listed buildings (Connachan Lodge and Monzie Castle). The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse

effects on these heritage assets. Accordingly the proposal is contrary to Policy 3 of the approved TAYplan 2012, Policy 27 of the of the Strathearn Area Local Plan 2001 and policy HE1A of the Proposed Local Development Plan.

4. Approval of this application would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established Development Plans and supplementary planning guidance.

#### **Justification**

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

## **(2) Local Applications**

- (i) 13/00322/IPL – CLEISH – Erection of dwellinghouse (in principle), land 70 Metres North East of Cleish Mains Steading, Cleish – Mrs K Fraser – Report 13/234**

Mrs A Condliffe, Applications Team Leader, advised the Committee that the flooding risk was now acceptable in terms of the application.

Mr D Scott, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

#### **Resolved:**

**Grant**, subject to conditions to be formulated by the Development Quality Manager and a Section 75 agreement for phosphate mitigation on the basis that the material planning history is so significant as to outweigh development plan policy considerations.

Councillor T Gray moved an Amendment to approve Report 13/234. On failing to secure a Seconder the Amendment accordingly fell.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

*COUNCILLOR JACK LEFT THE MEETING AT THIS POINT.*

- (ii) **13/00462/FLL – KINROSS – Alterations and change of use of Kinross Town Hall and related buildings to Class 1 (shops) and Class 2 (offices), erection of an apartment block (8 flatted dwellings), formation of access, parking and amenity space, 108-114 High Street land to the rear of 106 High Street, Kinross – Town Hall Developments – Report 13/235**

N Brian requested the Committee that, should they be minded to approve Report 13/235, an additional Informative be added.

Mr M Smith, agent and Mr S Wilson, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and an additional Informative No. 8 being added:

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 commencement of development works, a full condition survey of the Town Hall and associated buildings shall be undertaken by the applicant and submitted to the Planning Authority for approval.
3. Prior to the occupation of the first residential unit, all repair and maintenance works required to make the existing Town Hall and associated buildings wind and water tight shall be undertaken and thereafter maintained to the satisfaction of the Planning Authority.
4. Prior to the commencement of development works samples of all the external finishing materials relating to the proposed apartment block shall be submitted for the approval of the Planning Authority.
5. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
6. Prior to the occupation or use of the approved development turning facilities shall be provided within the site, in accordance with the approved plans, to enable all vehicles to enter and leave in a forward gear.
7. Prior to the occupation or use of the approved development a minimum of 9 No. car parking spaces shall be provided in accordance with the approved plans within the site.
8. No trees shall be cut down or removed during the breeding season for birds. Any tree or shrub removal shall only be permitted between 1 September and 1

- March unless otherwise agreed in writing with the Planning Authority.
9. Prior to the commencement of development work a full survey of all trees on the site shall be undertaken by the applicant and submitted for the approval of the Planning Authority unless otherwise agreed in writing.
  10. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of any trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
  11. Prior to the commencement of any development works on site, full details of the proposed boundary treatments shall be submitted for the approval of the Planning Authority.
  12. The proposed entrance gate and piers are not approved by this consent. Further details regarding the proposed entrance gate and piers shall be submitted for the approval of the Planning Authority.
  13. The existing bus shelter that is positioned to the front of the Town Hall shall not be removed without the prior written agreement of the Council as Roads Authority.
  14. Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and with Perth and Kinross Heritage Trust upon completion.

### **Justification**

The proposal is considered to comply with the listed building legislation and with the contents of the Local Plan and no material considerations are apparent that would outweigh the contents of the Development Plan.

### **Procedural Note**

Consent shall not be issued until such time as the applicant has made the necessary affordable housing contribution either in the form of an up front payment or through a deferred payment by means of a Section 75 Legal Agreement. In the event of the

upfront payment not being paid in a reasonable timescale or the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reasons that the proposal would fail to comply with the Council's agreed policy on Affordable Housing.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
4. The applicant should be 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. 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 SNH at Battleby immediately for advice. Building and demolition 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, or discover, that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>

6. Before any tree work is undertaken, the appointed contractor should take adequate precautions to ensure their activities will not damage or disturb protected wildlife species and in particular: birds' nests, bats and bat-roosts. If in any doubt consult SNH or a qualified Ecologist prior to any works being carried out.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. The applicant should be advised that any future application(s) for the restoration and reuse of the buildings will require a detailed enhancement scheme for the public space in front of the buildings, unless this area is included within a wider enhancement scheme produced and approved by the Council for the public realm within the town centre.

**(iii) 13/00741/MPO – PERTH – Modification of Planning Obligation to allow the sale of a revised range of goods and amendment to the minimum unit size at St Catherine's Retail Park, Perth – St Catherines Perth (1) Ltd – Report 13/236**

**Resolved:**

**Grant**, subject to the following condition:

Approve the proposed Modification of existing Planning Obligation to allow the sale of a revised range of goods and amendments to the minimum unit size.

**Justification**

The requested modification is considered to be acceptable in terms of its potential impact on St Catherine's Retail Park and the core retail area of Perth city centre.

**(3) Applications with Council Interest**

**(i) 13/00525/FLL – PERTH – Part change of use from offices (Class 4) to educational support centre (Class 10) (in retrospect) at Blackfriars Development Centre, North Port, Perth – Perth and Kinross Council – Report 13/237**

**Resolved:**

**Grant**, subject to the following condition:

Consent is hereby granted for a temporary period until 31st July 2014.

**Justification**

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

(ii) **13/00555/FLL – PERTH – Alterations and Change of use from retail (Class 1) to betting office (Class 2) Unit 1, St John’s Shopping Centre, King Edward Street, Perth – Ladbrokes PLC – Report 13/238**

Mr G Whiteford, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. All plant or equipment including any ventilation system associated with operation of the commercial areas 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.
3. The delivery of goods to the premises shall take place between 7am to 9pm Mondays to Saturdays and at no other time unless otherwise agreed in writing with the Planning Authority.

**Justification**

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

**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.

**(iii) 13/00556/ADV – PERTH – Display of Advertisements, Unit 1, St John’s Shopping Centre, King Edward Street, Perth – Ladbrokes PLC – Report 13/239**

**Resolved:**

**Grant**, subject to the following conditions:

1. That this grant of express consent shall operate for a period of 5 years from the date of the granting of consent. On expiration of this period the advertisement shall be removed all to the reasonable satisfaction of the Council as Planning Authority.
2. The advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Council as Planning Authority.
3. The advertisements shall be maintained in a safe condition to the reasonable 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.

**(iv) 13/00612/FLL – COUPAR ANGUS – Erection of heavy horse sculpture with associated lighting and landscaping on land 20 metres south-east of Marvingston, Union Street, Coupar Angus – Pride of Place – Report 13/240**

**Resolved:**

**Grant**, subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Full details of the proposed lighting scheme shall be submitted in writing for the approval of the Planning Authority prior to the commencement 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.

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