

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 17 July 2013 at 10.00am.

Present: Councillors T Gray, B Band (up to and including Art. 437(2)(iii)), H Anderson, M Barnacle, I Campbell, A Cowan (with the exception of Art. 437(2)(i)) (substituting for Councillor M Lyle), A Gaunt, J Giacopazzi (with the exception of Art. 437(2)(i)), C Gillies (up to and including Art. 437(2)(ii)), A Jack, J Kellas, G Laing (substituting for Councillor G Walker) and A Livingstone.

In Attendance: D Littlejohn, Head of Planning and Regeneration (up to and including Art. 437(2)(i)), A Condliffe, B Stanford, J Thomson, K Stirton, K Cowey, S Dunn, M Anderson and N Lennon (up to and including Art. 437(2)(iv)) (all The Environment Service); B Reid (up to and including Art. 437(2)(iv)), (Education and Children's Services) G Fogg and Y Oliver (both Chief Executive's Service).

Apology: Councillor M Lyle.

Councillor T Gray, Convener, Presiding.

433. WITHDRAWAL OF APPLICATIONS

The Committee noted the following applications had been withdrawn from the Agenda:

- (i) **13/00691/FLL – KINFAUNS – Erection of a dwellinghouse on land 300 metres west (erroneously reported as “east”) of Kingswells, Kinfauns (Report 13/353)**
- (ii) **13/00692/FLL – KINFAUNS – Erection of two dwellinghouses on land 300 metres east of Kingswells, Kinfauns (Report 13/354)**

434. DECLARATIONS OF INTEREST

In term of the Councillors' Code of Conduct, Councillors A Cowan and J Giacopazzi declared a non-financial interest in Art. 437(2)(i) and Councillor B Band declared a non-financial interest in Art. 437(2)(iv).

435. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 19 June 2013 (Arts. 383-386) was submitted, approved as a correct record and authorised for signature.

436. 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.
13/00394/IPM	437(1)(i)
12/01765/FLL	437(2)(i)
12/01959/FLL	
13/00698/IPL	
13/00723/FLL	
13/00789/FLL	

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

437. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **13/00394/IPM – ERROL – Modification of existing consent (09/01277/IPM) condition 1(i) – extend the time limit of the consent for a further 3 years at the Horn Farm, Errol – Mr J Farquharson – Report 13/349**

Mrs A Condliffe, Applications Team Leader, advised the Committee that, should they be minded to approve the application, Condition 1 should refer to “planning approval 09/01277/IPM” (as opposed to 00/01311/IPM) and Informative 1 should relate to “Condition No. 1” (as opposed to Condition No. 2).

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

Resolved:

Grant, subject to the following condition:

1. The reserved matters relating to planning approval 09/01277/IPM shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:-
 - (i) the expiration of 6 years from the date of the original grant of outline planning permission dated 3 March 2010.
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest.

Justification

The proposal accords with the Development Plan and there are no material reasons which justify refusal of the application.

Informatics

1. The conditions contained in planning permission notice ref. 09/01277/IPM dated 3 March 2010 in respect of erection of the development of roadside services at The Horn Farm, Errol, Perth, PH2 7SR remain in full force and effect, except only insofar as expressly modified by Condition No. 1 attached to this planning permission notice.
2. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

- (ii) **13/00436/IPM – MILNATHORT – Modification of conditions 2 and 3 of planning permission 07/00442/OUT to extend the time limit: Land at Pitdownies Farm, Manse Road, Milnathort – The General Trustees of the Church of Scotland and Ferrand Trust – Report 13/350**

Resolved:

Grant, subject to the following conditions:

1. The reserved matters relating to planning approval 07/00442/OUT shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:-
 - (i) the expiration of seven years from the date of the grant of that outline planning permission;
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
2. The development to which this permission relates must be begun not later than:-
 - (i) Seven years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.

Justification

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

Informative

The applicant is reminded of the conditions and informatives set out in outline planning approval 07/00442/OUT which remain in force and form an important part of this multi-stage planning consent.

COUNCILLORS A COWAN AND J GIACOPAZZI, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT.

(2) Local Applications

- (i) 12/01765/FLL – MILNATHORT – Erection of three wind turbines and associated infrastructure on land at Tillyrie Hill by Milnathort – Milnathort Community Wind Cluster Limited – Report 13/351**

Councillor J Giacopazzi, one of the elected members representing Ward 8; Mr S Macken, agent on behalf of the applicant, accompanied by Mr D Sands, a member of the Milnathort Future Trust; Mr M Thomson, supporter of the application and Mr P Hessey, objector to the application, accompanied by Mr S Dean, representing Friends of the Ochils, also objectors to the application, all 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 turbines and prominence, the proposals would have a major adverse impact on existing landscape character and the visual amenity of the area. The Council is not satisfied that the benefits 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 2, 5, 17 and 54 of the Kinross Area Local Plan 2004 as well as Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
2. The siting, size of turbines, prominence and visual association with existing and approved windfarms within the locality are such that the proposals would have a major adverse cumulative impact on existing landscape character and visual amenity. The Council is not satisfied

- that the benefits 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 2, 5, 17 and 54 of the Kinross Area Local Plan 2004 as well as Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
3. The proposal does not confirm that there will be no increase in phosphorus loading to Loch Leven as a consequence of the development thereby failing to comply with policies 10, 11 and 12 of the Kinross Area Local Plan 2004 as well as Policies EP7 of the Proposed Local Development Plan. Consequently the proposal will have an adverse impact on Loch Leven SPA, SSSI and Ramsar site which is contrary to 19, 20 and 21 of the Kinross Area Local Plan 2004 as well as Policies NE1A of the Proposed Local Development Plan.
 4. The applicant has failed to provide information on the grid connection and therefore the Planning Authority is not satisfied that the Environmental Statement assesses the full extent of the development impacts; the magnitude and complexity of those impacts; the probability of those impacts; and the duration, frequency and reversibility of the impacts of the whole scheme.
 5. That 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.

COUNCILLORS A COWAN AND J GIACOPAZZI RETURNED TO THE CHAMBERS AT THIS POINT.

- (ii) **12/01959/FLL – MILNATHORT – Formation of private potable water supply for residential development and erection of infrastructure building, Site of Former Ochil Hills Hospital, Milnathort – Fossoway LLP – Report 13/352**

Mr N Lawrence, agent on behalf of the applicant; Mr M Pettinger, on behalf of Milnathort Community Council and Ms D Thomson, on behalf of John Lawrie, Tillyrie Ltd, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Defer, for the provision of (i) a further monitoring report to demonstrate that the boreholes are capable of being used as the primary supply for the new housing development and (ii) confirmation that an adequate and consistently wholesome supply of water can be supplied; and (iii) an assessment of compliance with Rural Development Opportunity 7 as identified in the Kinross Area Local Plan.

COUNCILLOR C GILLIES LEFT THE MEETING AT THIS POINT.

- (iii) **13/00698/IPL – PERTH – Formation of flatted residential development (in principle) at Land to the South of Witchhill, Kinnoull Terrace, Perth – Mr J Munro – Report 13/355**

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, character and amenity of the existing area by virtue of the physical restrictions 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 No1, Housing Land 2000) which seeks to ensure that the amenity of existing residential areas is retained.
2. The proposal will adversely affect the density, character and amenity of the existing area by virtue of the physical limitations 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 RD1 of the Proposed Local Development Plan 2012 and Policy 2 of TAYPlan, which seeks to ensure development is compatible with the amenity and character of the area.
3. The prominent situation of the site and the associated density of the development in relation to adjacent residential properties would result in development 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 No1, Housing Land 2000), Policy HE3 of the Proposed Local Plan 2012, Policy 3 of TAYPlan 2012 and salient guidance contained within Scottish Historic Environment Policy 2011, which all seek to ensure that the architectural and historic character of Conservation Areas

- will be preserved or enhanced, including protecting our existing cultural heritage from inappropriate development.
4. 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 No1, Housing Land 2000), Environment & Resource Policy 3 of TAYPlan 2012 and guidance contained in Scottish Historic Environment Policy 2011, which seeks to ensure that the setting of listed buildings are safeguarded and our cultural heritage is protected from inappropriate development.
 5. The proposal fails to provide a satisfactory vehicular 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. The proposal is therefore contrary to Policy 65 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000) through insufficient provision with regard to access and intensification of use of an existing substandard access all in the interests of pedestrian and traffic safety.

Justification

The proposal is considered to be contrary to the Development Plan and there are no material considerations which justify approval of the application.

COUNCILLOR B BAND, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE MEETING AT THIS POINT.

- (iv) **13/00723/FLL – PERTH – Formation of synthetic grass sports pitch, with 5m high fenced enclosure and 8 floodlights at Perth Academy, Murray Place, Perth – Perth and Kinross Council – Report 13/356**

Mr B Reid and Ms N Lennon, on behalf of the applicant; Ms Grace Low, Ms Audrey Smith, accompanied by Mr C Dundas (Woodland Trust), all objectors to the application, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors J Kellas and G Laing) – Defer, for clarification from the Development Quality Manager on the Tree and Woodland Officer's assessment of the tree which is proposed to be felled and for an update on the recent application to the Environment Service on the application for a Tree Preservation Order.

First Amendment (Councillors A Livingstone and A Cowan) –
Grant, subject to conditions contained in Report 13/356

Second Amendment (Councillors J Giacopazzi and H Anderson)
– Refuse, for the purpose of identifying an alternative site
thereby retaining the Scots Pine currently located on the
application site.

In accordance with Standing Order 43, a roll call vote was taken.

5 Members voted for the Second Amendment as follows:

Councillors H Anderson, M Barnacle, I Campbell, J Giacopazzi
and A Jack.

4 Members voted for the First Amendment as follows:

Councillors T Gray, A Gaunt, A Livingstone and A Cowan.

Councillors J Kellas and G Laing abstained.

The Second Amendment became the substantive Amendment.

2 Members voted for the Amendment as follows:

Councillors H Anderson and J Giacopazzi.

9 Members voted for the Motion as follows:

Councillors T Gray, M Barnacle, I Campbell, A Gaunt, A Jack,
J Kellas, A Livingstone, A Cowan and G Laing.

Resolved:

In accordance with the Motion.

- (v) **13/000789/FLL – CLEISH – Change of use of land from agricultural to garden ground; erection of a timber screen fence subdividing Craigbank House and Craigpark House and relocation of vehicular access (in part retrospect) – Mr A Craig – Report 13/357**

Mr A Craig, 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. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected within the extended curtilage of the dwellings (as identified on plan 13/00789/7).
3. The detailed landscaping and planting scheme for the site which is hereby approved 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. The 'type C', close gap 1.8m subdivision fence identified on plan 13/00789/8, shall be tapered back to finish 500mm short of the red site line boundary to the west within 30 days of the date of the decision notice, to allow for associated boundary hedge planting to be subsequently implemented, in line with plan 13/00789/5.

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. 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)).

(vi) 13/00823/FLL – BLAIRGOWRIE – Redevelopment of the Wellmeadow bus stance, townscape improvements and installation of play area, Blairgowrie Town Centre, Blairgowrie – Perth and Kinross Council – Report 13/358

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. Only one flag pole is permitted within the Wellmeadow public open space.
3. Prior to the commencement of any development, full details of all proposed replacement planting at the Riverside shall be submitted for the written approval of the Planning Authority including details of species and density of planting. The details, as approved, shall be implemented as part of the site development.
4. Prior to the commencement of development a detailed specification of the proposed red sandstone and tegula paving shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
5. Prior to the commencement of development full details of the design for the railings shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
6. Prior to the commencement of construction, a full detailed construction method statement, giving details of measures to prevent harmful materials entering the River Tay SAC shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include:
 - **Pollution prevention safeguards**, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - **Storage and disposal of materials**, including the siting of stock piles, use of buffer strips and disposal methods.
 - **Construction site facilities**, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - **Timing, duration and phasing of construction**, particularly in relation to salmon and lamprey migration/spawning.

The method statement, as approved in writing, shall be strictly adhered to during development of the site.

7. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.
8. Prior to the commencement of any works on the Cuttle Burn, a detailed set of plans shall be submitted for the written approval of the Planning Authority in consultation with the Council's Flooding Officer to address points 1-7 contained within the Council Flood Team's email to the applicant dated 12 June 2013. The details as approved in writing shall be implemented as part of the site development.

Justification

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

Informatics

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)).

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