

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 November 2014 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle (up to and including Art. 769(2)(i)), I Campbell, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle (up to and including Art. 769(2)(i)), A Jack (substituting for Councillor D Cuthbert) and G Walker.

In Attendance: Councillor M Roberts, (up to and including Art. 769(3)(i) only), N Brian, A Condliffe, D Barbary, M Barr, S Dunn, S Paterson, A Rennie, J Russell, J Thomson (up to and including Art. 769(2)(i)) and M Williamson (all The Environment Service); G Fogg, P Frazer and H Rheinallt (all Chief Executive's Service).

Apology: Councillor D Cuthbert

Councillor T Gray, Convener, Presiding.

765. WELCOME AND APOLOGIES/SUBSTITUTES

The Convener welcomed everyone to the meeting and apologies were noted as above. It was noted that Councillor A Jack was substituting for Councillor D Cuthbert.

766. DECLARATIONS OF INTEREST

Councillor A Gaunt declared a non-financial interest in Arts. 769(1)(i) and 769(1)(ii) in terms of the Councillors' Code of Conduct.

767. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 15 October 2014 (Arts. 690-694) was submitted, approved as a correct record and authorised for signature.

768. 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
10/02181/FLM	769(1)(i)
10/02182/FLL	769(1)(ii)
10/01899/AMM	769(2)(i)
11/00534/IPM	769(2)(ii)

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14/01304/FLL	769(3)(ii)
14/01412/LBC	769(3)(iii)
14/01413/FLL	769(3)(iv)

769. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

(i) 10/02181/FLM – GLENDEVON – Variation of Condition (3) of Planning Permission 84/956/MW to enable the winning and working of minreals to continue to 2035 at Glendevon Quarry, Glenquoy – Report 14/495

Mr N Brian, Development Quality Manager, advised the Committee of an amendment to paragraph 116 on page 33 of Report 14/495 to replace 'SNH' with 'the Council's Bio-Diversity Officer', and the word 'raised' by 'blanket'.

Ms E Maclean and Mr M Kelly agents both on behalf of the applicant, followed by Mr J Jordan, Muckhart Community Council and Mr M Rice, Dollar Community Council, both objectors to the application and Mr M Best and Mr A Jamieson on behalf of Friends of the Ochils, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53 Councillor A Gaunt addressed the Committee, and, following her representation, left the meeting.

Resolved:

Refuse, for the follow reasons:

1. In view of the likely damage to the moss which will be removed, the peat which will be removed and the change and scaring of landscape, notwithstanding the proposed remediation works, the application is contrary to Scottish Planning Policy, namely,
 - (i) Key Principle, paragraph 75, being inappropriate to the character of this rural area;
 - (ii) Policy Principle, paragraph 194, as it will undermine rather than enhance and maintain the distinctive landscape character;
 - (iii) Policy Principle, paragraph 235, as it cannot minimise the impact of the extraction on the local community, the environment or the natural and built heritage to an acceptable extent;
2. The application is contrary to the Perth & Kinross Local Development Plan 2014, namely,

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- (i) Policy ERA3, criterion (b) as the extraction of the minerals is unlikely to be practicable or environmentally acceptable;
 - (ii) Policy ER6 criterion (a) as the proposal would undermine the local distinctiveness, diversity and quality of part of Perth & Kinross's landscape character, the visual and scenic qualities of the landscape or the quality of the landscape experience;
3. The application will adversely affect both current use and the future development potential of the locality as an increasingly popular area for outdoor recreational use, particularly walking and cycling, and undermine the development of tourism within the area;
4. The local road network is inadequate for the proposed vehicular traffic and proposed haul routes, including that which lies within the adjoining planning authority of Clackmannanshire and the proposal would constitute an unacceptable risk to road safety.

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.

- (ii) **10/02182/FLL – GLENDEVON – Construction of a Haul Road at Glendevon Quarry, Glenquey - Report 14/496**

Resolved:

Refuse for the following reason

The creation of the new haul road is unnecessary following the refusal of the associated application (PK10/02181/FLM) to vary Condition 3 to extend the winning and working of minerals at Glendevon Quarry, Glenquey to 2035.

Justification

The creation of the new haul road is unnecessary following the refusal of the associated application (PK10/02181/FLM).

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

COUNCILLOR A GAUNT RETURNED TO THE MEETING AT THIS POINT.

(2) Major Applications

- (i) **10/01899/AMM – KINFAUNS – Erection of a hotel and ancillary facilities (approval of matters specified in conditions) on Land South of Burnfoot, Kinfauns – Report 14/497**

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Ms L Khazaka, Agent, on behalf of the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, for the following reasons and subject to conditions to be formulated by the Development Quality Manager in consultation with the Convener and Vice-Convener.

1. The proposal constitutes an iconic and unique design to Perth which accords with the objectives of PM1 and PM1B of the Perth & Kinross Local Development Plan 2014;
2. The economic benefits of the proposal, in terms of direct and indirect employment.

Justification

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (ii) **11/00534/IPM – BANKFOOT – Erection of 30 holiday lodges, reception/information centre, erection of 10 dwellinghouses and formation of associated cycle trails and woodlands walkways (in principle) on land west of Gellybanks Farm, Bankfoot – Report 14/498**

Mr L Manson, Agent, on behalf of the applicant, followed by Mr T Clark and Mr D Baxter, both objectors to the application, addressed the Committee, and, following their representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. As the proposed housing is not part of an existing group of buildings, does not involve the replacement of a traditional, non-domestic existing building and is not considered to be an acceptable 'Brownfield Site', the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Local Development Plan 2014, both of which seek to ensure that all new proposals for housing in the open countryside meet with specific criteria.
2. The proposed method of cross funding the lodges and recreational facilities from the dwellings which are contrary to the housing in the countryside policy also means that the development is contrary to Policy ED3 of the Local Development Plan.

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3. The proposed development is contrary to criterion (a) of Policy ED3 of the Local Development Plan as it is not compatible with surrounding land uses due to privacy issues associated with the viewing tower. The proposal also fails to confirm that private water supplies for neighbouring land uses (private dwellings and farms) will be safeguarded.
4. The proposed development is contrary to criterion (b) of Policy ED3 of the Local Development Plan as the extent of engineering works as well as cut and fill to form the lochan and lodge area will introduce a significant manmade bund features which cannot be accepted which as a consequence will have a detrimental impact on the landscape within the immediate vicinity of this part of the site.
5. The proposed development does not meet a specific need by virtue of its quality or location in relation to an existing business or tourist related facility. As a consequence it is contrary to criterion (c) of Policy ED3 of the Local Development Plan.
6. The proposed development is not considered to easily accessible by all modes of transport in particular walking, cycling and public transport, accordingly it fails to comply with Policy TA1B of the Local Development Plan. Failure to provide walking and cycling links has potential to increase use of the local road network which will access the site to the detriment of road safety which results in the development failing to comply with criterion (e) of Policy ED3 of the Local Development Plan.
7. The development would preclude the replanting of the site which is required by the felling licence issued by the Forestry Commission. As a consequence there would be an overall net loss of woodland which would not protect existing woodland cover or expand woodland cover which is required by criterion b and c of Policy NE2A of the Local Development Plan.
8. The development would contravene the Scottish Government's Policy on the Control of Woodland Removal as there is no clearly defined additional public benefit associated with the removal and reduction in woodland cover. There is also no mitigation measures in the form of offsite compensatory planting which would make up the shortfall associated with the development zones of the site. Accordingly the proposal fails to adhere to Local Plan Policy NE2B which requires compliance with the Scottish Government's Control of Woodland Removal Policy.

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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.

(3) Local Applications

(i) 14/00844FLL - INVERGOWRIE – Erection of a shop and flat at Former Brewlands Quarry, Inchtute – Report 14/499

Resolved:

Grant, subject to the following conditions and the times of operation outlined in Condition 7 being amended:

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 any works on site, a detailed landscaping plan which must include the details of the surfacing of the parking area, 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.
3. All plant or equipment including any ventilation system associated with operation of the commercial areas 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 daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart, all to the satisfaction of the Council as Planning Authority.
4. The Hours of Operation of the shop are limited to 07:00 to 22:00 hours Monday to Sunday, to the satisfaction of the Council as Planning Authority.
5. All deliveries shall be between the hours of 07:00 to 17:00 hours Monday to Saturday, no deliveries on a Sunday, to the satisfaction of the Council as Planning Authority.
6. The sound installation and sound transmission properties of the structure and finishes shall be such that no airborne noise from the operation within the premises is perceptible in the flatted property above, to the satisfaction of the Council as Planning Authority.
7. Prior to the operation of the shop or the occupation of the flat, the proposed public path shall be completed and be

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- available for public use, all to the satisfaction of the Council as Planning Authority.
8. All trees shown on plan 14/00844/2 to be retained, must be retained and adequately protected during the course of construction to the satisfaction of the Council as Planning Authority.
 9. Prior to the occupation of the flat or the opening of the shop, the vehicular access shall be formed (and thereafter retained) in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
 10. Prior to the occupation of the flat or the opening of the shop, turning facilities shall be provided (and thereafter retained) within the site to enable all vehicles to enter and leave in a forward gear, all to the satisfaction of the Council as Planning Authority.
 11. Prior to the occupation of the flat or the opening of the shop, a minimum of 5 No. car parking spaces shall be provided (and thereafter retained) within the site, all 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. 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. An application for Building Warrant will be required.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the

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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 Environmental Protection Agency.

(ii) **14/01304/FLL – ABERARGIE – Change of use of agricultural buildings to equestrian facilities (in part retrospect) at Netherton Farm, Aberargie, Perth – Report 14/500**

Mrs A Condliffe, advised the Committee of an amendment to Condition 2, on page 142 of Report 14/500 to read: “Reason – In interest of pedestrian and road safety.”

Mr R Schiller, Agent, on behalf of the applicants, 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 plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
2. The private access that serves the site shall be upgraded and provided with suitable passing place; the detailed specification of which shall be agreed in writing with the Planning Authority within 28 days from the date of this consent. The agreed improvements to the private access, including the passing places, shall be completed within 3 months, unless otherwise agreed in writing, and thereafter maintained to the satisfaction of the Council as Planning Authority.
3. Any external lighting to be installed 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.
4. The delivery and collection of goods and horses at the premises shall take place between 0630 and 2100 hours Monday to Saturday and 0800 and 1900 on Sunday and at no other time.

Justification

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

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Informatives

1. An application for Building Warrant is required. The applicant is advised to contact Building Standards to discuss this matter.
2. The applicant is advised that planning consent is required for the outdoor riding arena. An application for full planning permission must be submitted within 28 days of the date of this consent otherwise enforcement action may be taken.

COUNCILLOR J GIACOPAZZI LEFT THE MEETING AT THIS POINT.

(iii) 14/01412/LBC – PERTH – Extension to form dining room and roof terrace at Tower Hotel, 81 High Street, Crieff – Report 14/501

Mr J Pither, Agent, on behalf of the applicants, 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 plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Details of the specification and colour of the proposed external render, timber cladding and balustrade shall be submitted for the approval of the Planning Authority prior to the commencement of this phase of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

Justification

The proposal is considered to comply with the Development Plan and there are no overriding material considerations which justify departing from the plan.

Informatives

1. This listed building consent will last only for 3 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)).

(iv) 14/01413/FLL – CRIEFF – Extension to form dining room and roof terrace at Tower Hotel, 81 High Street, Crieff – Report 14/502

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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 music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.
3. The hours of use shall be restricted to 0900 to 2200 hours Monday – Saturday and 1200 to 2200 on Sunday.
4. 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 is minimised, to the satisfaction of this Council as Planning Authority.
5. Details of the specification and colour of the proposed external render, timber cladding and balustrade shall be submitted for the approval of the Planning Authority prior to the commencement of this phase of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

Justification

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

Informatives

1. This listed building consent will last only for 3 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.

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(v) **14/01484/IPL – PERTH – Residential development (in principle) The Atrium, 137 Glover Street, Perth – Report 14/503**

Resolved:

Grant, subject to the following conditions:

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions.
 - (i) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - (ii) The siting, design, height and external material of all buildings or structures;
 - (iii) Details of vehicular access to the site and the provision of car parking spaces and turning facilities;
 - (iv) A detailed Transport Statement or Transport Assessment;
 - (v) Details of the proposed surface water drainage scheme (SUDs);
 - (vi) Details of all landscaping, planting, screening and boundary treatment;
 - (vii) Details of suitable storage for waste disposal/collection.
2. The development shall be in accordance with the requirements of the Council's Developer Contributions Guide August 2014 and Policy PM3 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.
3. The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance August 2014 and Policy RD4 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify:

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- (i) The nature, extent and type(s) of contamination on the site;
- (ii) Measures to treat/remove contamination to ensure the site is fit for the use proposed;
- (iii) Measures to deal with contamination during construction works;
- (iv) Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Justification

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

Informatives

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with 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.
4. The developer is advised that it is the Council's preference that any detail scheme for the redevelopment of the site should include the retention and conversion of the existing building on the site.

(3) Proposal of Application Notice (PAN)

- (i) 14/00010/PAN – AUCHTERARDER – Engineering and other operations to facilitate the establishment and use of a venue for the purposes of holding a music event. The use of existing buildings and land in July each year for the purpose of holding a music festival and associated activities at Strathallan Castle, Strathallan, Auchterarder – Report 14/504**

Resolved:

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issue be addressed in the planning application:

- Flood risk

- (i) 14/00011/PAN – RUTHVENFIELD – Mixed use development including residential, primary school, and community facilities at land 200 metres south east of Huntingtower Hotel, Ruthvenfield, Perth - Report 14/445**

Resolved:

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issue might be addressed:

- Community use buildings, e.g. Church

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