

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 10 December 2014 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone (with the exception of Item 804(1)(ii)), M Lyle and G Walker.

In Attendance: Councillors B Vaughan and W Wilson, N Brian, A Condliffe, J Thomson, M Williamson, S McLaren, K Steven, F Patterson, A Belford, A Rennie (all The Environment Service); C Elliott, Y Oliver and H Rheinallt (all Chief Executive's Service).

Councillor T Gray, Convener, Presiding.

801. WELCOME

The Convener welcomed everyone to the meeting.

802. DECLARATIONS OF INTEREST

Councillor A Livingstone declared a non-financial interest in Art. 804(1)(ii) in terms of the Councillors' Code of Conduct.

803. DEPUTATIONS

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

Planning Application No.	Art. No
14/00055/FLL	804(1)(i)
14/00992/FLL	804(1)(ii)
14/01356/FLL	804(1)(iii)
14/01463/FLL	804(1)(iv)

804. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) **14/00055/FLL - Formation of permanent gypsy/traveller site and associated works (part retrospective) on land adjacent to Lighland Stables, Mawcarse Crossroads, Milnathort – Report 14/530 – Mr and Mrs A Stewart**

N Brian, Development Quality Manager, advised the Committee that, should they be minded to approve the application, he was proposing to amend the wording in Condition 1 relating to car parking space.

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Mr C MacAlpine, objector to the application, accompanied by his Planning Consultant Mr R Hutton, addressed the Committee, and, following their representations, withdrew to the public benches.

Motion (Councillors J Kellas and H Anderson) – Grant, subject to the conditions and informatives detailed in Report 14/530, with an additional condition prohibiting the undertaking of a business on the site but not precluding the parking of a vehicle and/or trailer.

Amendment (Councillors J Giacobazzi and M Barnacle) - Refuse, on the grounds that the application is contrary to:

- (i) Policy RD5(b) of the Perth and Kinross Council Local Development Plan 2014 as the development will detract from the physical character, and there will be an adverse effect on the appearance of the wider area; the site cannot be adequately screened and landscaped;**
- (ii) Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 as the application will not contribute positively to the quality of the surrounding built and natural environment as the site cannot be adequately screened and landscaped.**

Justification

The proposed development is considered to be contrary to the Development Plan and there are no over-riding material reasons to support a departure thereto.

In accordance with Standing Order 44, a roll call vote was taken.

9 members voted for the Amendment as follows:

Councillors B Band; M Barnacle; I Campbell, D Cuthbert, A Gaunt, J Giacobazzi, C Gillies, A Livingstone and M Lyle.

4 members voted for the Motion as follows:

Councillors T Gray, H Anderson, J Kellas and G Walker.

Amendment – 9 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

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COUNCILLOR A LIVINGSTONE, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT AND TOOK NO PART IN THE DISCUSSION AND DELIBERATION THEREOF.

(ii) 14/00992/FLL - Erection of church and community centre, St Madoes, Glencarse – Report 14/531 – St Madoes & Kinfauns Parish Church

A Condliffe, Applications Team Leader, advised the Committee that, should they be minded to approve the application, the revised transport infrastructure contribution is £5,344.

Ms A Bircham and Mr B Stephen, on behalf of St Madoes Development Group, supporters of the application, followed by Mr S Carrie, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives:

- 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 All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and /or maintained in accordance with the manufacturer's instructions such that 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 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 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings to the satisfaction of the Planning Authority.

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- 5 The soundproofing of the premises and the control of all amplified sound shall be such that the level of amplified sound shall not exceed Noise rating 35 within any neighbouring residential premises.
- 6 The installation of any biomass boiler shall not take place unless otherwise agreed with the prior approval of the Planning Authority.
- 7 Prior to the commencement of development suitable provision for cycle storage with capacity for at least 6 cycles shall be agreed in writing by the Planning Authority. The approved cycle storage shall thereafter be installed to the satisfaction of the Planning Authority prior to the use of the development.
- 8 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
- 9 The footway link shown on the submitted plans will tie in with the existing footway along the C484 and will be built to the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority prior to occupation of the development.
- 10 The fence line along the site boundary to the east of the new access shall be set back 2.4m from the edge of the carriageway to ensure adequate visibility from the new access prior to occupation of the development and the visibility splays formed shall thereafter be kept clear from obstruction to the satisfaction of the Planning Authority.
- 11 Prior to the occupation or use of the approved development a minimum of 25 No. car parking spaces, including 3 disabled spaces, shall be provided within the site.
- 12 The existing 30mph speed limit will be relocated to the east of the new access with all costs associated with the physical works and the modification to the traffic regulation order borne by the applicant prior to the occupation of the development.
- 13 Prior to commencement of work the applicant shall provide a fully detailed hard and soft landscaping plan for the approval of the Planning Authority. The approved landscaping scheme thereafter shall be implemented and

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maintained by the applicant/ and or their successors within the first planting season to the full satisfaction of the Planning Authority.

- 14 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

Justification

The proposals are recommended for approval despite being contrary to the relevant provisions of the Development Plan as it is considered that there are material considerations apparent which would outweigh the Development Plan.

Procedural Notes

- 1 Prior to issue of consent the applicant shall provide a financial contribution of £5,344 towards transport infrastructure. This payment may be deferred through the completion of a suitable legal agreement with the Council.
- 2 If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason;-

Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions 2012 and the Developer Contributions, Transport Infrastructure 2014, both of which require financial contributions to be secured.

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.

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- 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 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).
- 5 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 Environmental Protection Agency.

COUNCILLOR LIVINGSTONE RETURNED TO THE CHAMBERS AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(iii) 14/01356/FLL - Erection of a restaurant and pub with associated staff accommodation, coffee drive thru, car parking, landscaping and servicing land NW of Earn House, Lamberkine Drive, Perth – Report 14/532 – Green King plc

Ms K Pollock and Mr B Edwards, agents on behalf of the applicant, followed by Ms J Taylor, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor W Wilson, one of the local members representing Ward 10, addressed the Committee and, following his representation, withdrew to the officers' benches.

Motion (Councillors J Kellas and J Giacobazzi) – Grant, subject to the terms and conditions contained in Report 14/532.

Amendment (Councillor C Gillies and B Band) – Refuse, on the grounds that the proposal is contrary to Policy ED1A of the Perth and Kinross Council Local Development Plan 2014 as it will detract from the amenity of adjacent residential areas, employment use should be retained and it would be premature to allow other uses.

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Justification:

The proposed development is considered to be contrary to the Development Plan and there are no over-riding material reasons to support a departure thereto.

In accordance with Standing Order 44, a roll call vote was taken.

7 members voted for the Amendment as follows:

Councillors B Band; H Anderson, M Barnacle; I Campbell, A Gaunt, C Gillies and M Lyle.

6 members voted for the Motion as follows:

Councillors T Gray, D Cuthbert, J Giacobazzi, J Kellas, A Livingstone and G Walker.

Amendment – 7 votes

Motion – 6 votes

Resolved:

In accordance with the Amendment.

(iv) 14/01463/FLL - Erection of single wind turbine with associated works land NW of East Blair Farm Glenfarg – Report 14/533 - Mr H Crooks

A Condliffe, Applications Team Leader, advised the Committee that, should they be minded to approve the application, recommended Condition 7 on aviation safety lighting should be revised

Mr H Crooks, applicant, accompanied by his agent, Mr M Mcgleish, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives and an amended Condition 7, as undernoted:

- 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 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

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- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements; and
- o) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

- 3 Prior to the commencement of any development on site precise colour details of the turbine components shall be submitted for the approval in writing by the Council as Planning Authority. The approved colour scheme shall be

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implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.

- 4 Within six months of the wind turbine being decommissioned the owner shall remove the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Council as Planning Authority.
- 5 Notwithstanding the terms of Condition 4, the turbine shall be decommissioned by the owner and all associated plant and equipment removed and the site reinstated the site to its pre-development condition, to the satisfaction of the Council as Planning Authority, within 25 years from the date of the planning consent.
- 6 A detailed Construction Method Statement (CMS) must be submitted prior to any development commencing. The CMS must include pollution prevention measures to the nearby watercourse, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing of the construction, all to the satisfaction of the Council as Planning Authority. The approved CMS shall be implemented in full and to the timescales attached thereto, to the satisfaction of the Council as Planning Authority.
- 7 Prior to the commencement of any development on site, details of the aviation safety lighting shall be submitted to the Council as Planning Authority and following the Council's agreement of the details, shall be fitted on the turbine prior to it's operation.
- 8 No advertisements or signage shall be attached or displayed on any part of the turbine.
- 9 The developer shall arrange and afford access at all reasonable times to an archaeological organisation deemed acceptable to the Planning Authority in agreement with Perth and Kinross Heritage Trust, allowing them to observe work in progress and record items of interest and finds. Notification of the commencement data and details of the finds archaeological contractor retained by the developer should be made available to the Planning Authority and Perth and Kinross Heritage Trust in writing no less than 14 days before the development commences. Copies of the results of the watching brief shall be deposited in the

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National Monuments Record for Scotland and in the Perth and Kinross Historic Environment Record upon completion.

- 10 Noise arising from the wind turbine shall not exceed an L_{A90}, 10 min of 35 dB at any noise sensitive premises, other than those with a financial interest in the development, at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event of that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise levels.
- 11 At the request of the Council and following a complaint relating to noise from the wind turbine the operator of the development shall, at its expense, employ an independent consultant approved by the Council to measure and assess (carried out in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) the level of noise emissions from the wind turbine.
- 12 Prior to commencement of work on site the applicant shall provide a detailed ordnance survey based topographical survey and cross section to demonstrating that the proposed wind turbine shall be no greater than 64m from ground level to blade tip. The details shall include sectional drawings illustrating the excavated area and no part of the turbine development, other than excavation works, shall be commenced until the survey details and the excavated area have been agreed in writing by this planning authority.

Justification

The proposal is considered to be 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.

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- 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 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 your guidance. According to Regulation 38 the notice must be :
 - a. Displayed in a prominent place at or in the vicinity of the site of the development
 - b. Readily visible to the public
 - c. Printed on durable material.
- 5 Prior to the commencement of the development, the applicant must inform the Ministry of Defence (Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL) of the following information.
 - The date that construction will start and end
 - The maximum height of construction equipment
 - The precise latitude and longitude of the position of the proposed turbine and the construction equipment
- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 7 The developer or his agent should contact the Perth and Kinross Heritage Trust as soon as possible and they will explain the procedure of works required and prepare for them written Terms of Reference.

(6) Proposal of Application Notice (PAN)

- (i) 14/00008/PAN - Mixed use development for residential, employment, retail and education uses at land west of Cottage Hospital, Perth Road, Blairgowrie, (LDP Site MU5) – Report 14/534 - Mr I Little**

Resolved:

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.

- (ii) 14/00009/PAN - Mixed use development for residential and employment uses at land south east of Wilmarean, Luncarty, (LDP site H27) – Report 14/535 – Murrayshall House Hotel & Golf Courses**

Resolved:

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

- Alternative vehicular accesses to site
- Boundary to Tay and provision of footpaths and linking through the site
- Presence of sea eagles and ospreys feeding along Tay
- Examine potential for a rail link to serve the development and Bertha Park
- Connectivity between major strategic housing sites
- Serve by dedicated cycle route, separate to footpath
- Integration and enhancement with existing village
- Enhancement of bus links
- Importance of archaeological investigations
- Education provision
- Examine riparian boundaries and species present

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