

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH on Wednesday 15 March 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Doogan, D Cuthbert (up to and including Art.** (2)(i)), A Gaunt, J Giacomazzi (excepting Art.** (2)(ii)), C Gillies, J Kellas and A Livingstone.

In Attendance: Councillor C Shiers; M Barr, N Brian, S Callan, A Condliffe, N Moran, M Petrie and J Scott (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Lyle and G Walker.

Councillor T Gray, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

. DECLARATIONS OF INTEREST

Councillors Cuthbert and Giacomazzi declared non-financial interests in Art.** (2)(ii) in terms of the Councillors' Code of Conduct, as Trustees of Donaldson Memorial Park Trust.

. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 15 February 2017 (Arts. *-*) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.

15/01691/FLM
16/02175/FLL
17/00077/FLL

Art. No.

** (1)(i)
** (2)(i)
** (2)(ii)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 15/01691/FLM – BRIDGE OF CALLY – Erection of 11 wind turbines, control building and ancillary works, Green Burn Wind Farm, land West of Drumderg Wind Farm, Bridge of Cally – Report 17/108 – Green Burn Wind Farm Ltd**

Ms A Petrie and Mr J Scuse, objectors to the application, Councillor B Ellis, supporter of the application, and Mr C Crosby, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors Livingstone and Gillies) – Refuse the application, due to the following reasons:

- 1 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, having regard to landscape character and setting within the immediate landscape and wider landscape character types. Accordingly the proposal is contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.**
- 2 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors. Accordingly the proposal is contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.**
- 3 The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Eastern Perthshire, contrary to policy PM1A of the Perth and Kinross Development Local Development Plan 2014.**

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.

Amendment (Councillors J Kellas and H Anderson) – Grant the application, due to the following reasons:

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1. The proposal accords with the Perth and Kinross Development Plan 2014 Policy ER1A, as the proposal would not have an adverse impact on tourism in the area, evidenced by the report commissioned by the Moffatt Centre.
2. The proposal accords with Policies ER6 and PM1A of the Perth and Kinross Local Development 2014, as it would not conflict with the aim of maintaining and enhancing the landscape qualities of the landscape character area, including the Cairngorm National Park, by respecting the character and amenity of the place.

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

4 members voted for the Amendment as follows:

Councillors H Anderson, D Doogan, J Giacomazzi and J Kellas.

8 members for the Motion as follows:

Councillors T Gray, B Band, M Barnacle, I Campbell, D Cuthbert, A Gaunt, C Gillies and A Livingstone.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

- (ii) **16/01761/AMM – ABERFELDY – Erection of 20 dwellinghouses and 4 flats (approval of matters specified in conditions 16/00478/IPM – phase 1) at land 25 metres South West of 8 The Beeches, Aberfeldy, Perthshire – Mr D Maxwell**

Resolved:

Grant, subject to the following terms, conditions and informatives, including an additional informative 15 as follows:

- 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 occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
- 3 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development.
- 4 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards

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required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

- 5 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
- 6 Prior to the commencement of works on any part of 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:
 - 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) 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;
 - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - e) 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;
 - f) details of information signs to inform other road users of construction traffic;
 - g) arrangements to ensure that access for emergency service vehicles are not impeded;
 - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
 - i) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - j) monitoring, reporting and implementation arrangements; and
 - k) 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.

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- 7 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.
- 8 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 9 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
- 10 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.
- 11 Prior to occupation of the development a minimum of 1 Swift bricks and 1 bat brick shall be incorporated into each building at eaves height.
- 12 Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
- 13 Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

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- 14 The dwellings shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy.

Informatives

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 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 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:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant is 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.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.

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- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 12 Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 15 The applicant is advised that, in compliance with the Council's Play Area Strategy, play equipment will require to be provided at the play area upon as part of the development of the site in its entirety.

(2) Local Applications

- (i) **16/02175/FLL - PERTH - Erection of a dwellinghouse with ancillary accommodation on land 90 metres South West of 1 Mansfield Place, Isla Road, Perth, PH2 7GZ – Mr G Bayne**

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Mr D Roche, objector to the application, and Mr G Caudrey, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives:

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 Prior to the commencement of any works on site, precise details of the proposed means of surface water disposal associated with all hard surfaces 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 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - 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 measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
- 4 Prior to the commencement of any works on site, all existing trees on site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and

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Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

- 5 Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written approval of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development unless otherwise agreed in writing by the Council as Planning Authority.
- 6 Full details of any proposed tree works shall be submitted to and approved in writing by the Council as Planning Authority.
- 7 Prior to any engineering works adjacent to the river bank, repairs or otherwise, precise details of the nature of the works shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.
- 8 Prior to the commencement of any works on site, precise details of the ground levels within the site shall be submitted, which must provide suitable compensatory flood storage, for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full as the development progresses and completed prior to the occupation of the dwelling.
- 9 The ancillary accommodation shall only be occupied by a person(s) directly connected to the main dwelling, and shall not be used as a separate unit either for holiday use or as a separate dwelling from that of main dwelling.

Justification

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

Procedural Notes

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not:

- a) Make the required payment upfront within 14 days of the date of the committee decision, or
- b) Complete a new legal agreement for its delayed payment / or submit an application to amend the extant agreement within a 4 month period, then the application may be refused under delegated powers.

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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 existing trees are likely to contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 6 The applicant is advised to make contact with both SEPA and the Council's Flooding and Structures team in relation to the requirements of condition 8 relating to compensatory flood storage measures.

COUNCILLOR CUTHBERT, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, WITHDREW FROM THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM.

(ii) 17/00077/FLL - MILNATHORT - Erection of a football pavilion at Donaldson Memorial Park, Church Street, Milnathort – Kinross Colts FC

Ms A Campbell, objector to the application, Councillor J Giacomazzi, supporter of the application, and Mr E Bailie, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

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COUNCILLOR GIACOPAZZI, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, WITHDREW FROM THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM.

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
- 2 Prior to the commencement of any works on site, all trees on site and those which have Root Protection Areas which fall within the site shall be retained and protected. The measures outlined within the submitted Tree Report (approved document 17/00077/10) shall be implemented as part of the development programme. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
- 3 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted and agreed in writing with the Council as Planning Authority. The CMS shall include details on the access route for construction, transportation of building materials and machinery into the park, construction compounds and reinstatement of any damage. The CMS as agreed shall be implemented and maintained throughout the development programme.
- 4 The sound insulation and sound transmission properties of the structure and finishes shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the Local Planning Authority.
- 5 All plant or equipment 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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
- 6 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 of the site is minimised to a degree that it

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does not adversely affect the amenity of the neighbouring land.

- 7 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
- 8 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
- 9 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Justification

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

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 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the

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notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

COUNCILLOR GIACOPAZZI RETURNED TO THE MEETING AT THIS POINT.

(3) Proposal of Application Notice (PAN)

- (i) 17/00001/PAN – AUCHTERARDER – Mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events space, residential dwellings, storage, landscaping and associated infrastructure at Easterton Farm, Near Gleneagles, Auchterarder – Report 17/112**

Members requested that, in addition to the issues identified by the Development Quality Manager's report, the following be addressed in the planning application: (1) controlling the routes taken by vehicles to the site, due to the differing standards of the east and west roads; (2) controls to ensure that the holiday accommodation is retained as holiday accommodation; (3) emphasis be put onto the potential archaeological importance of the site, given the unearthed dense Bronze Age settlement at the site of the gWest International Golf Resort.

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