

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 12 April 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle, M Roberts (substituting for I Campbell) and G Walker.

In Attendance: N Brian, A Condliffe, T Maric, D Niven, L Reid, A Rennie, J Russell and C Stewart (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor I Campbell.

Councillor T Gray, Convener, Presiding.

207. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

In terms of Standing Order 13, the Committee agreed that the meeting be recorded for use as part of the elected member development programme after the elections in May 2017.

208. VALEDICTORY

This being the last meeting of the Committee before the Local Government Elections on 4 May 2017, the Convener thanked members for their contribution to the work of the Committee over the previous five years and expressed his appreciation to officers for the support and advice provided during his term of office as Convener.

209. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

210. MINUTES

(i) Minute of Previous Meeting

The minute of meeting of the Development Management Committee of 15 March 2017 (Arts. 162-166) was submitted, approved as a correct record and authorised for signature.

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- (ii) **15/01512/FLM - Kinross – Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works on land north west of Lathro Farm, Kinross – Persimmon Homes Ltd (Art.16/629(2)(i) refers)**

The Committee noted that with regards to an updated informative 1 agreed for planning application 15/01512/FLM, the 10 year period was introduced in error and should be 3 years. This will be amended and the correct period of time will be reflected in the decision notice.

211. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications, which deputations had been received timeously:

Planning Application No.	Art. No.
15/01484/FLM	212(1)(i)
17/00243/FLL	212(2)(i)

The Convener then asked the Committee if they were minded to hear a deputation with regards to planning application 17/00243/FLL, which deputation request had been received after the deadline. The Committee unanimously agreed to allow this deputation to be heard.

212. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **15/01484/FLM – BRACO – Erection of 9 turbines, access and associated works at Strathallan Wind Farm, Land North East of Greenacres, Braco – Mr B Walker**

Mr B Thomson, on behalf of Braco and Greenloaning Community Council, objector to the application, Mr S McDonald, objector to the application, followed by Mr G Donnachie, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Refused, for 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, including cumulative landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A,

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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 contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
3. 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 on The River Earn Comrie to St Fillans National Scenic Area, contrary to Policy NE1B of the Perth and Kinross Local Development Plan 2014.
4. 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 Western Perthshire, contrary to Policy PM1A of the Perth and Kinross Development Local Development Plan 2014.
5. The development compromises the setting of scheduled ancient monument, *Ardoch, military complex 900m NNE of Ardoch Bridge, (Scheduled Monument, Index no. 1601)* contrary to Policy HE1A of Perth and Kinross Local Development Plan 2014.
6. The development compromises the setting of Gardens and Designed Landscapes, Braco Castle, Drummond Castle and Abercairney contrary to Policy HE4 of Perth and Kinross 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 there from.

(2) Local Applications

(i) 17/00243/FLL – LUNCARTY – Alterations and extension to Balhousie Luncarty Care Home, Sandeman Place, Luncarty – Balhousie Care Group

Mr G Powrie, objector to the application, followed by Mr S Wilson, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Councillor Kellas moved a Motion that planning permission be refused on the grounds that: (i) the scale and massing of the

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proposal would constitute excessive overshadowing to neighbouring properties at Yew Gardens and Sandeman Place; and (ii) the location of the fuel and refuse storage provision would impact on the visual setting of the listed building and the visual amenity of the area.

Having failed to find a Secunder, Councillor Kellas' Motion fell.

Resolved:

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

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 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.
3. 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.
4. The safer routes to school footpath located to the west of the site shall not be obstructed during site construction works or on completion of the development all to the satisfaction of the Planning Authority.
5. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the new residential rooms in the extension hereby approved shall be occupied until the agreed scheme has been provided in full.
6. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation of the fuel tanks shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place

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prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

7. 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.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This is approval of your application Ref no (17/00243/FLL) for planning permission only. It does not include any approval for your related Listed Building Consent Ref no (17/00244/LBC) you should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
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

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ensure adequate measures are provided on site to allow for the collection of waste.

- (ii) **17/00244/LBC – LUNCARTY – Alterations and extension to Balhousie Luncarty Care Home, Sandeman Place, Luncarty – Balhousie Care Group**

Resolved:

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

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 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.
3. Precautions shall be taken to secure and protect the interior features of Luncarty House against accidental loss or damage, or theft during the building work. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council. Particular regard should be given to the existing chimneypieces, door sets and ornamental mouldings.
4. All new partitions shall be scribed around the existing ornamental mouldings all to the reasonable satisfaction of the Planning Authority.
5. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Justification

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

Informatives

1. This listed building consent will last only for three years from the date of this decision notice, unless the development has been started within that period (see

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section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. This is approval of your application Ref no (17/00244/LBC) for Listed Building Consent only. It does not include any approval for your related planning permission Ref no (17/00243/FLL). No work should commence until planning permission is granted.

(3) Proposal of Application Notice (PAN)

- (i) 17/00002/PAN – MILNATHORT – Erection of holiday park, visitor centre (ancillary café/restaurant with commercial space), with supporting recreational infrastructure at Land West of Tarnhill, Milnathort – Report 17/140**

Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: (1) the use of the Council's own traffic model to assess the cumulative impacts of the proposal and other developments in the area; (2) the potential positive and negative effects of the proposal on trade in the local area; (3) prevention of the site becoming brownfield land and subsequently used for housing; (4) an assessment of the demand for chalets; (5) public transport from the main towns to the major tourist centre as part of the proposal; (6) the status of Loch Leven and the policies regarding its protection; (7) the chalets be used for temporary, tourist residence only.

- (ii) 17/00003/PAN – INCHTURE – Residential development at LDP Site H24, Land South West of Moncur Farm, Moncur Road, Inchture – Report 17/141**

Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: (1) the retention of the boundary stone wall to the south of the site; (2) drainage at the site.

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