

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 10 April 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle E Drysdale, H Coates, T Gray, I James, A Jarvis, W Robertson (substituting for Councillor W Wilson), L Simpson and R Watters.

In Attendance: A Condliffe, D Niven, J Williamson, L Reid, D Salman and C Stewart (all Housing and Environment); G Fogg, L Gowans and D Williams (all Corporate and Democratic Services).

Apologies: Councillors B Band and W Wilson.

Councillor R McCall, Convener, Presiding.

### **171. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **172. DECLARATIONS OF INTEREST**

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

### **173. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 13 February 2019 (Arts. 123-127) was submitted, approved as a correct record and authorised for signature.

### **174. DEPUTATIONS**

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

**Planning Application No.**  
18/00865/FLL

**Art. No.**  
175(2)(i)

**175. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 19/00120/AMM - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 15 (cycle and footpath link) of planning permission 08/01123/AMM (Erection of chalets - Reserved Matters), Sand and Gravel Pit, Gowrie, Stanley – Report 19/103 – Mr H McDonald**

**Resolved:**

**Grant**, subject to the following direction, 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.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. The chalets hereby approved shall be used solely for holiday accommodation only and shall not be occupied as the sole or main residence of the occupant.  
Reason - To prevent permanent residential use of the site in view of its location within a rural area and in accordance with the Planning Authority's policy of restricting sporadic housing development in the countryside.
3. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.  
Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
4. Prior to the occupation of the development the vehicular access to the B9099 public road shall be formed in accordance with specification Type E, Fig 5.8, access detail to the satisfaction of the Council as Planning Authority.  
Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
5. Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
10 APRIL 2019

constructed so that no surface water is discharged to the public highway.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

6. Prior to the occupation of the first lodge full visibility splays of 3m by 180 m shall be provided to the right and left of the access measured between points 1m above the adjacent B9099 road channel level and maintained permanently thereafter to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

7. Prior to the occupation of the first lodge turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

8. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B9099 public road adjacent to the access to the development prior to the occupation of the first lodge. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Council as Planning Authority. In addition a bus shelter shall be provided on the south side of the road unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

9. Within 6 months of the date of this decision notice a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, full details of all hard landscaping proposals including materials and installation methods and species, height, size and density of trees and shrubs to be planted. The plans shall also include planting to a depth of 40 metres adjacent to the B9099 and shall also incorporate bunding. The submission shall also include full details of the phasing of the landscaping. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied to the Council as Planning Authority within 7

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
10 APRIL 2019

days of that date. The scheme as agreed and implemented shall thereafter be maintained.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. The wastewater treatment facility and associated drainage, storage and pumping installations shall be designed, operated and maintained such that noise and or odour therefrom, are not perceptible in any domestic property.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

11. Tree felling and vegetation clearance shall be undertaken out with the bird breeding season (i.e. not between 1st April and 31st July).

Reason - In the interests of protecting environmental quality and of biodiversity.

12. No work shall take place within the Thistle Brig Site of Special Scientific Interest (SSSI), including the storage of materials or machinery.

Reason - In order to safeguard the protected Thistle Brig Site of Special Scientific Interest (SSSI).

13. No chalets or touring caravans are permitted within the south eastern area of the site between the B9099 and the bund which delineates the former quarry until this area has been effectively screened by the landscaping required by Condition 9 of this permission.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

14. The drainage strategy for the site is not hereby approved. Within 3 months of the date of this decision notice a revised drainage strategy shall be submitted to and approved in writing by the Planning Authority. The revised drainage strategy, as approved in writing, shall be implemented as part of the site development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason - In order to ensure the provision of an acceptable surface water drainage scheme.

15. Prior to completion of the Stanley to Luncarty cycle/pedestrian path or the occupation/completion of the 30th lodge on site, whichever is the earliest, full details of a cycle/footpath link through the site which shall tie in with the proposed Stanley to Luncarty cycle/pedestrian path shall be submitted to and approved in writing by the Planning Authority. These details shall include a site plan showing the route within the application site, a full specification of the route including its width and surfacing, together with appropriate signage. The details, as

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
10 APRIL 2019

approved in writing, shall be implemented as part of the site development and completed prior to the completion of the Stanley to Luncarty cycle/pedestrian path or the occupation/completion of the 30th lodge on site, whichever is the earliest.

Reason - In the interests of pedestrian and traffic safety and to encourage the use of sustainable means of transport and to ensure the provision of an appropriate link through the application site for the Luncarty to Stanley cycle/footpath.

16. The recycling facilities hereby approved shall be installed on site prior to the occupation of the first lodge on site.

Reason - To ensure adequate provision for waste disposal from the site.

17. The cycle parking hereby approved shall be installed on site prior to the occupation of the first lodge on site.

Reason - To ensure the provision of cycle parking on site and to encourage the use of sustainable means of transport.

18. No further development shall take place on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure the scheme of archaeological investigation is fully undertaken on site.

**Justification**

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

**Procedural Notes**

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
10 APRIL 2019

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

**Informatives**

1. 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.

**(2) Local Applications**

- (i) 18/00865/FLL - Erection of four wind turbines and ancillary infrastructure, Binn Eco Park Wind Farm, Glenfarg – Report 19/104 – Green Cat Renewable Developments**

Mr J Campbell QC, on behalf of objectors to the application, followed by Mr Donnachie, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors M Barnacle and H Anderson)**

**Refuse, for the following reason:**

1. **The proposed increase in turbine heights would result in unacceptable adverse landscape impacts and visual impacts. The proposal will result in the hubs and blades of the turbines breaching the skyline and ridgelines from key viewpoints including Kinnoull Hill, Abernethy, Pitlour Hill and West Lomond which would contravene the recommendations made within the Tayside Landscape Character Assessment (TLCA) 1999 and the guidance contained within the Scottish Natural Heritage Siting and Designing Wind Farms in the Landscape Guidance 2017. This would have an adverse landscape and visual impact which cannot be economically or socially justified given the limited increase in energy production associated with the proposed increased turbine heights. The proposal is therefore contrary to policies ER1A, and ER6 of the Perth and Kinross Local Development Plan 2014.**

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
10 APRIL 2019

**Justification**

**The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan**

Amendment (Councillors R McCall and H Coates)

Approve as proposed development does not adversely impact surrounding area to any significant extent over the existing consent. The proposal could make a significant statement for development within Perth and Kinross.

In terms of Standing Order 58 a roll call vote was taken.

5 members voted for the Amendment as follows:

Councillors Brawn, Coates, Drysdale, McCall and Watters.

7 members voted for the Motion as follows:

Councillors Anderson, Barnacle, Gray, James, Jarvis, Simpson and Robertson.

**Resolved:**

In accordance with the Motion

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