

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 10 May 2006 at 9.30am.

Present: Councillors Barnacle, Bushby, E Grant, Howie, Hulbert, Hayton (substituting for Councillor Livingstone), (up to and including Art. 314(9)), Lumsden (up to and including Art. 314(9)), Lyall, McDonald, McEwen, Wilson (substituting for Councillor Caddell) and Young (up to and including 314(9)).

Attending: I Sleith, J Robertson, G McFarlane, D Niven, M Watson, C Smith, I Small and A Fleming (all The Environment Service); C Elliott and J Dickson (Corporate Services).

Councillor Lumsden, Convener, Presiding.

305. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn from the agenda:

05/02126/OUT – HUNTINGTOWER – Erection of a dwellinghouse (in outline) at land at The Cottage, Huntingtowerfield, Perth – Ms L Macintosh – Report 06/322.

306. DECLARATION OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor Lumsden declared a financial interest in planning applications 05/01933/FUL (amended) and 05/02090/FUL (amended) (Art. 315(1) and 315(2)).

307. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 12 April 2006 (Arts. 233-241) was submitted, approved as a correct record and authorised for signature.

308. DEPUTATIONS

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

<u>Planning Application No.</u>	<u>Article No.</u>
05/01131/FUL	312(1)
06/00497/TD (Revised)	313
05/01185/FUL (Amended)	314(5)
05/01319/FUL (Amended)	314(6)
06/00240/FUL	314(7)
05/01933/FUL (Amended)	315(1)
05/02090/FUL (Amended)	315(2)

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of the applications on the agenda.

309. PLANNING APPLICATIONS UNDETERMINED AFTER 4 MONTHS

There was submitted and noted a report by the Head of Development Standards (06/311) advising that 129 planning applications registered since January 2004 had not been determined within four months representing 20% of the 644 current applications. The Appendix to Report 06/311 detailed the applications and the reason for non-determination.

310. RECENT SIGNIFICANT APPEAL DECISIONS

There was submitted and noted a report by the Head of Development Standards (06/312) on recent appeal decisions by Scottish Ministers likely to influence future decisions and policy on similar applications.

(i) Various Appeals for Housing in Relation to Policy 95 in the Kinross Area Local Plan Relating to Public Drainage in Small Settlements.

Of the seven appeals defended by the Council in these settlements where Policy 95 was an issue, two of the appeals were dismissed and five approved. In the cases where appeals were allowed without providing the public sewage system required by Policy 95, the Scottish Ministers had required a net reduction of phosphates through mitigation measures.

The Committee noted that a report on the future of Policy 95 together with any necessary resulting changes to the development opportunities in the relevant small settlements will be part of the forthcoming review of drainage policies to be reported to the Enterprise and Infrastructure Committee in August 2006.

(ii) Hutchison 3G UK Ltd. For 15m Telecommunications Mast at Viewlands Road West, Perth.

The appeal was upheld. The Committee noted that consideration of the health impact of masts should be limited to the information required by, and the guidance given under, the NPP Guideline. In relation to visual impact there had to be recognition of the increasing operational requirement to provide masts in urban areas.

(iii) Extension of Existing Restaurant to form Restaurant and Public House at 65 South Methven Street, Perth

The appeal was dismissed and it was noted that Policy 6 in the Draft Perth Area/Central Area Local Plan would strengthen the Council's position in refusing public houses in similar circumstances as would a number of other new policies in the Draft Plan protecting residential amenity.

311. PLANNING APPLICATION FOR WINDFARM AT BURNFOOT HILL, TILlicOUNTRY, CLACKMANNANSHIRE – REPORT 06/313.

Resolved:

Scottish Ministers be advised that Perth and Kinross Council request that the planning application for a windfarm at Burnfoot Hill, Tillicoultry, submitted to Clackmannanshire Council by Wind Prospect Development Ltd, be called in for determination and considered as part of the conjoined public enquiry to determine other windfarm developments in the Ochil Hills.

312. PLANNING APPLICATION PREVIOUSLY CONSIDERED

(1) 05/01131/FUL – KELTY – Subdivide Plot 4 to provide a further timber-clad mobile home/caravan to match that at Plot 4 – Mr W White – Report 06/314 (Art. 06/246).

The Committee noted that in terms of Standing Order 18, as Councillors Hayton and Wilson had not been present during consideration of this application at the meeting on 12 April 2006, they did not participate in the discussion or the taking of the decision today.

Mr Marr, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:-

The proposal was:-

1. Contrary to Policy 2 General Development Criteria of the Kinross Area Local Plan, where it states that development should have regard to the scale, form, colour and density of development within the locality, have a landscape framework capable of absorbing the development and should not result in a significant loss of amenity to the local community.
2. Contrary to Policy 6 requiring a high standard of Design in the Kinross Area Local Plan.
3. Contrary to Policy 35 of the Kinross Area Local Plan 2004 that "the Council will not normally give favourable consideration to proposals for new sites for static caravans".

The Committee also agreed that the applicant be asked to draw up a Development Brief with particular reference to unresolved need and the potential to house travelling people on this site.

313. PLANNING APPLICATION FOR TELECOMMUNICATION DEVELOPMENT

- (1) **06/00497/TD (Revised) – CRIEFF – Installation of a 6m high telecommunications flagpole and 0.3m transmission dish with ancillary equipment at Drummond Arms Hotel, James Square, Crieff – Hutchison 3G UK Ltd – Report 06/315.**

Mr Campbell, representing the applicant, followed by Mrs Boxer, an objector to the application, addressed the Committee, and, following their respective representations, Mr Campbell and Mrs Boxer withdrew to the public benches.

Resolved:

Defer, for further information from the applicant on whether or not there is (1) an established operational need for telecommunication development in the location proposed; (2) no better alternative site available; and (3) no reasonable prospect of sharing existing facilities.

314. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **04/01646/FUL – KINROSS – Conversion and redevelopment of existing steading to form 8 new residential units at Wood of Coldrain, Kinross – Ballantyne Partners – Report 06/316.**

Resolved:

Grant, on the grounds that the proposal is justified as it is in accordance with the Council's 2005 policy on Housing in the Countryside Policy 50, subject to the following conditions:-

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. 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.
4. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing

by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- (i) the nature, extent and type(s) of contamination on the site including any source, pathway, receptor linkage.
 - (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 remediation measures.
5. The vehicular access shall be formed in accordance with specification Type C access detail to the satisfaction of the Planning Authority.
 6. The C494 public road over a length of 10m immediately adjacent to the access shall be widened to a minimum of 5m.
 7. 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 constructed so that no surface water is discharged to the public road.
 8. Full visibility splays of 3m by 120m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.
 9. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
 10. A minimum of 2 car parking spaces per dwelling shall be provided within the site.
 11. The site shall be served by the existing private access which shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
 12. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
 13. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
 14. The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the Planning Authority.
 15. The development of the steading shall not be implemented in isolation from the other two related proposals and is therefore dependent on the implementation of these proposals, i.e. the sewage treatment plant (05/00690/FUL) and the new farmhouse and cattleshed with a limited number of cattle (04/01648) prior to the occupation of any of the houses hereby approved.

(2) 04/01648/FUL – KINROSS – Erection of a farmhouse and cattleshed at Wood of Coldrain, Kinross – Ballantyne Partners – Report 06/317.

Resolved:

Grant, on the grounds that the proposal is justified as it is supported by the Council's Housing in the Countryside 2005 Policy 50, subject to the following conditions:-

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The livestock to be housed in the cattleshed hereby approved and on the Wood of Coldrain farm shall be restricted to a maximum number of 125 cattle at all times.
4. The vehicular access shall be reformed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.

5. The public road over a length of 6m immediately adjacent to the access shall be widened to a minimum of 5m.
6. 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 constructed so that no surface water is discharged to the public road.
7. Full visibility splays of 2.5 m by 90 m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.
8. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
9. A minimum of 2 car parking spaces shall be provided within the dwellinghouse site.
10. Notwithstanding the provisions of Schedule 1, Part 6, Class 18 of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 or any Order revoking and re-enacting that Order, no agricultural building shall be erected within Wood of Coldrain Farm without the prior written permission of the Planning Authority.
11. Details of the specification and colour of the proposed external finishing materials shall be submitted for the approval of the Planning Authority prior to the start of the development.
12. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
13. The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the Planning Authority.

(3) 05/00690/FUL – KINROSS – Proposed sewage treatment plant in connection with conversion and redevelopment of existing steading to form 8 new residential units (04/01646/FUL) at Wood of Coldrain, Kinross – Ballantyne Partners – Report 06/318.

Resolved:

Grant, subject to the prior signing of a Section 75 agreement to secure the future ownership and maintenance of the sewage treatment plant, and the following conditions:-

1. The development shall be begun within a period of five years from the date of this consent.
2. 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.
3. Provision shall be made for all vehicles used in servicing the treatment plant to be parked clear of the public road.
4. All equipment to be installed shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 07:00 and 23:00 hours and Noise Rating 25 between 23:00 and 07:00 hours, at any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, all to the satisfaction of the Planning Authority.
5. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent on completion that the reclamation has been undertaken in accordance with the agreed scheme.

(4) 05/01055/OUT – DUNNING – Erection of a house in outline at land to the north west of Braehead, Dunning – Mr A Howie – Report 06/319.

An additional letter of objection from Dunning Community Association, which had been received since the issue of the papers, was tabled at the meeting.

Motion (Councillors Young and McDonald) – Refuse on the grounds that (1) the site was not suitable to accommodate a house; (2) there is no access to the site, and (3) the proposal is contrary to the Perth Area Local Plan as it would adversely affect the density, character and amenity of the area and the availability of community facilities in the locality.

Amendment (Councillors Lumsden and Howie) – Grant, subject to the following conditions:

- 1. The following reserved matters: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.**
- 2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:**
 - (i) the expiration of three years from the date of the grant of outline planning permission.**
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or**
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;****whichever is the latest.**
- 3. The development to which this permission relates must be begun not later than:**
 - (i) Five years from the date of the permission; or**
 - (ii) Two years from the date of the final approval of all reserved matters.**
- 4. The reserved matters required by Condition 1 shall provide evidence that there will be no adverse effect on biodiversity.**
- 5. The reserved matters required by condition 1 shall include a structural engineer's report assessing the condition of the existing wall together with details of any remedial works to the wall. Details of the proposed structure and site clearance adjacent to the wall must be submitted for approval by the Council as Roads Authority prior to any building works taking place.**
- 6. The vehicular access shall be formed in accordance with the Council's Roads Development Guide Type A Figure 5.5 access detail to the satisfaction of the Council as Planning Authority.**
- 7. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.**
- 8. Two off-street car parking spaces shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling.**
- 9. The reserved matters shall be required to comprise a proposed house of appropriate scale, design and position within the site which reflects the local building pattern and characteristics and is in accordance with the Council's 'Guidance on the Siting and Design of Houses in Rural Areas' and any other guidance on design which supplements or supersedes that Guidance.**
- 10. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance**

with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Amendment – 7 votes

Motion – 4 votes

Resolved:

In accordance with the amendment.

(5) 05/01185/FUL (Amended) – TULLIEBARDINE – Erection of 16 dwellinghouses and associated works at land to the north of Smithy and Joinery Yard, Tullibardine – Strathtay Developments – Report 06/320.

Mr Strickland, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the prior signing of a Section 75 agreement to ensure the maintenance of the private drainage system, and the following conditions:-

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved revised plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The roof of the houses and garages shall be finished in natural slate unless otherwise agreed in writing to the satisfaction of the Council as Planning Authority.
4. Samples of all other external finishing materials shall be submitted for the approval of the Council as Planning Authority prior to the commencement of building work on site.
5. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority and in keeping with the rural character of the site's rural location to the satisfaction of the Council as Planning Authority.
6. All existing trees on and adjacent to the site shall be retained and suitably protected by means of fencing erected outwith the edge of the tree canopies to the satisfaction of the Council as Planning Authority. Full details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of work on site.
7. The detailed hard and soft landscaping and planting scheme for the entire site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained in perpetuity to the satisfaction of the Council as Planning Authority. Any landscaping which subsequently fails to become established within the confines of the overall site shall be replaced with others of a similar height and species. All associated stone, gravel, trees, shrubs, hedging, grasses and wildflowers to be introduced to the site shall be sourced locally and be native to the area unless otherwise agreed in writing.
8. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Classes 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected in the curtilages of the dwellings hereby approved unless otherwise agreed in writing. The

landscape zones shall remain at all times undeveloped to the satisfaction of the Council as Planning Authority.

9. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage.
 - (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 remediation measures.
10. The benches and pergola to be erected within the publicly accessed reed bed retention basin area shall be forwarded for the written approval of the Council as Planning Authority together with details of additional biodiversity measures such as log piles, nesting boxes to be introduced into the area. Provision should also be set aside within the area for the installation of dog litter collection bins if deemed necessary.

FOLLOWING A 10 MINUTE RECESS, THE COMMITTEE RECONVENED.

- (6) **05/01319/FUL (Amended) – ERROL – Erection of 150 dwellinghouses and associated site works at Northbank, Errol – Stewart Milne Homes – Report 06/321.**

Mr Lothead, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors Hulbert and Howie) – Grant, on the grounds that the proposals comply with the approved Development Brief, subject to changing the orientation of 6 houses and on conditions to be formulated by the Head of Development Standards.

Amendment (Councillors Hayton and Barnacle) – Defer, for further consultation with the applicant on fulfilling the design objectives of the Brief and layout of the site.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the motion.

- (7) **06/00240/FUL – BLAIRGOWRIE – Erection of a retail unit with associated car parking at former site of McNicolls Garage, Perth Road, Blairgowrie – Tor Property Holdings Ltd – Report 06/323.**

Mr Weir, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reason:-

1. The proposal is contrary to policy 59 of the Eastern Area Local Plan 1998 which seeks to prohibit prime retail uses in premises that are located outside the principal retail area of Blairgowrie unless they meet a proven local need.

- (8) 06/00249/FUL – PERTH – Erection of a temporary smoking shelter (for 5 years) within courtyard to rear of ‘That Bar’, 145 South Street, Perth – Centreglobal Ltd – Report 06/324.**

Resolved:

Refuse, for the following reason:-

1. The siting of an open-sided smoking shelter within an enclosed courtyard in close proximity to and surrounded by residential properties will harm the amenity of neighbouring residents by virtue of noise disturbance, particularly given the opening hours of the licensed premises, and through the likelihood of smoke entering the windows of flats above.

- (9) 06/00742/FUL – PERTH – Extension to rear of dwellinghouse at 160 Cedar Drive, Perth – Mr D Hay – Report 06/325.**

Resolved:

Refuse, for the following reasons:-

1. The proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 incorporating Alteration No 1 – Housing Land 2000 as the scale and design of the extension is not subservient to the host building and as such will adversely affect the character of the host building and area.
2. The proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 incorporating Alteration No 1 – Housing Land 2000 as its large and high projection down the eastern boundary of the site will increase overshadowing and reduce daylight into the garden area of this neighbouring property significantly affecting the residential amenity of the property.

COUNCILLOR LUMSDEN, HAVING DECLARED AN INTEREST IN THE FOLLOWING PLANNING APPLICATIONS, IN TERMS OF STANDING ORDER 6, WITHDREW FROM THE MEETING AND LEFT THE CHAMBERS.

IN TERMS OF STANDING ORDER 23, IN THE ABSENCE OF THE CONVENER AND THE VICE CONVENER IT WAS UNANIMOUSLY AGREED TO APPOINT COUNCILLOR HULBERT TO THE CHAIR. COUNCILLOR HULBERT TOOK THE CHAIR AT THIS POINT.

COUNCILLORS YOUNG AND HAYTON LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

315. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

The Committee noted that in terms of Standing Order 18, as Councillors Hayton, Lyall, Wilson and Young had not been present at the meeting when the following applications were considered previously, they did not participate in the discussion or the decision.

The Committee agreed to hear Mr Soppitt, the applicant to planning application 05/02090/FUL (Amended) (Art 315(2)) followed by a composite deputation from Mr Prentice, an objector to planning applications 05/01933/FUL (Amended) and 05/02090/FUL (Amended) (Arts 315(1) and 315(2)) and Mr Smith, an objector to planning application 05/02090/FUL (Amended) (Art 315(2)) and to consider the applications on an individual basis thereafter.

- (1) 05/01933/FUL (Amended) – TIBBERMORE – Erection of three 1½ storey dwellinghouses and garages at Tibbermore, Perth – Mr N G Sinclair – Report 06/326 (Art. 101(17))**

As agreed above, Mr Prentice addressed the Committee as part of his composite presentation, following which he withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:-

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
4. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
5. A minimum of 2 car parking spaces per dwelling shall be provided within the site.
6. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
7. Details of the landscaping of the site (which shall include provision for enhancing biodiversity, together with woodland planting along the northern and eastern boundaries of the site with screen hedging elsewhere) including the species, height, size and planting density of proposed trees and/or shrubs, shall be submitted to the Planning Authority for approval prior to the commencement of the development. The scheme as subsequently approved shall be completed prior to the occupation of any of the dwellinghouses and maintained thereafter to the satisfaction of the Planning Authority.
8. A sample of each of the external finishing materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The materials as approved shall be implemented prior to the occupation and or use of the development.
9. The proposed house on plot 3 shall be repositioned so that there is a minimum of 16 metres between its north elevation and the northern boundary of the site, and the adjacent road layout shall be adjusted accordingly, including the relocation of the turning head, all to the satisfaction of the Planning Authority.

(2) 05/02090/FUL (Amended) – TIBBERMORE – Erection of four 1½ storey dwellinghouses with private sewage treatment plant, private access road and public amenity space at Tibbermore, Perth – Mr D Soppitt – Report 06/327 (Art. 101(18)).

As agreed above, Mr Soppit, the applicant, addressed the Committee followed by Mr Smith. Following their respective representations, Mr Soppit and Mr Smith withdrew to the public benches.

Resolved:

Grant, subject to the prior signing of a Section 75 agreement to secure the satisfactory maintenance of the private sewage treatment system and to secure the implementation and maintenance of public space within the site, and the following conditions:-

1. The development shall be begun within a period of five years from the date of this consent.
2. 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.
3. The vehicular access shall be formed in accordance with specification Type C, Fig 5.7, access detail to the satisfaction of the Planning Authority.
4. 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 constructed so that no surface water is discharged to the public road.

5. Full visibility splays of 4.5m by 160m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
7. A minimum of 2 car parking spaces per dwelling shall be provided within the site.
8. Prior to the occupation of any dwellings 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the U47 public road and within the road boundaries, adjacent to the access to the development. The areas shall be a minimum of 4m long by 1.8m wide, kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
9. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
10. All fixed plant, machinery and equipment associated with the development shall be designed and operated in such a manner that noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 07:00 hours and 23:00 hours daily, and Noise Rating 25 between 23:00 and 07:00 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured, calculated (or a combination of both) and plotted on an ISO rating curve chart.
11. Prior to the commencement of the development a survey of existing trees within and overhanging the site shall be submitted. All trees within the site (together with those trees outwith but overhanging the site) which it is subsequently agreed should be retained, shall be protected to BS 5837:1991 by chespaie fencing fixed top and bottom to horizontal rails, all on 75mm treated posts, to a height of 1200mm. The fencing shall be set no closer to the trees than their canopy spread, and shall remain intact for the duration of construction works, unless otherwise agreed in writing with the Planning Authority. No construction work, changes to levels, or storage of plant or materials shall take place within the protected zone.
12. Services shall be grouped together in the same trench wherever possible and shall be positioned outwith the canopy spread of the trees to be retained. If trenches need to be excavated within the canopy spread, a trench should only be dug on one side of the tree. The routing and excavation of trenches and provision of services shall be in accordance with Publication No. 10 of the National Joint Utilities Code of Practice and BS 5837 2005: Trees In Relation To Construction.
13. The ground levels beneath the canopy spread of the trees to be retained shall not be altered and the surface of private driveways and access roads shall be of a porous construction with a no-fines granular material as a base or 'geotex' fabric to allow water and oxygen to reach the roots as per BS 5837: 2005 Trees In Relation To Construction.
14. Details of the landscaping of the site (which shall include provision for enhancing biodiversity, together with woodland planting along the northern boundary of the site and screen hedging elsewhere) including the species, height, size and planting density of proposed trees and/or shrubs, shall be submitted to the Planning Authority for approval prior to the commencement of the development. The scheme as subsequently approved shall be completed prior to the occupation of any of the dwellinghouses and maintained thereafter to the satisfaction of the Planning Authority.
15. The houses on plots 1 and 2 shall be repositioned so that there is a minimum of 16 metres between their north elevations and the northern boundary of the site.
16. The height of the proposed screen fence on the west side of plot 1 shall be increased to 1.8 metres and the house on plot 1 shall be repositioned 3 metres further to the east.