

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 15 February 2006 at 9.30am.

Present: Councillors Barnacle, Bushby, Caddell (except for PK/05/01913/FUL and PK/05/01981/FUL (Arts below 101(15) and 101(16))), E Grant (except for Art 101(12)), Howie, Hulbert, Livingstone (up to and including PK/06/00022/FUL Art 101(13)), Lumsden (except for PK/05/01933/FUL and PK/05/02090/FUL (Amended)), Lyall, MacLellan (except for PK/05/01553/FUL Art 101(3)), McDonald, McEwen and Young (up to and including PK/06/00022/FUL Art 101(13)).

Attending: Councillor A Grant (for PK/05/02157/FUL) and Councillor Wilson (for PK/06/00130/FUL), I Sleith, J Robertson, G McFarlane, B McNaughton, J Williamson and D Niven (all Planning and Transportation); A Fleming (Environment Services); C Elliott, J Dickson and Y Oliver (all Corporate Services).

Councillor Lumsden, Presiding.

97. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn:-

PK/05/02053/OUT – DUNKELD – Erection of two detached dwellinghouses to replace 3 existing chalets (in outline) on land at South West of Dunnaird House, St Mary's Road, Birnam, Dunkeld

98. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct Councillor Lumsden declared a financial interest in planning applications PK/05/01933/FUL (Art. No 101(17)) and PK/05/02090/FUL (Amended) (Art. No 101(18)) and Councillor Caddell declared a non-financial interest in planning applications PK/05/01913/FUL (Art. No 101(15)) and PK/05/01981/FUL (Art. No 101(16)).

99. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 18 January 2006 (Arts. 15-19) was submitted, approved as a correct record and authorised for signature.

100. 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>
PK/05/01225/FUL	101(1)
PK/05/01296/FUL	101(2)
PK/05/01553/FUL	101(3)
PK/05/02079/FUL	101(5)
PK/05/02295/FUL	101(10)
PK/05/02309/FUL (Amended)	101(12)
PK/06/00130/FUL	101(14)
PK/05/01933/FUL	101(17)
PK/05/02090/FUL (Amended)	101(18)

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

101. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **PK/05/01225/FUL – ABERNETHY – Erection of one dwellinghouse at Walled Garden, School Wynd, Abernethy – William Sutherland and Son – Report 06/82.**

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

Resolved:

Defer, pending receipt of comments from Historic Scotland in relation to the amended scheme.

- (2) **PK/05/01296/FUL – KINROSS – Erection of a dwellinghouse at Plot 5A, Powmill Farm, Powmill, Kinross – Mr and Mrs Morgan - Report 06/83.**

Mrs Boulter, representing objectors to the application, addressed the Committee and following her representation, withdrew to the public benches.

Resolved:

Refuse, on the grounds that the proposal: (1) constituted overdevelopment of the site; (2) adversely impacted on the amenity of the adjacent residential property; (3) detracted from the character of the village; (4) access road was not suitable for construction traffic; and (5) is contrary to Policy 13 of the Kinross Area Local Plan 2004 in relation to sewerage.

COUNCILLOR MACLELLAN LEFT THE MEETING AT THIS POINT AND REJOINED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

- (3) **PK/05/01553/FUL – INCHTURE – Erection of 169 dwellinghouses (phases 2 and 3) at Moncur Farm, Inchtire – Muir Homes - Report 06/84.**

Mr Smith, representing the applicants, addressed the Committee followed by Mr Henderson and Dr Bryan, objectors to the planning application, and following their respective representations, Mr Smith, Mr Henderson and Dr Bryan withdrew to the public benches.

Motion - (Councillors Hulbert and Livingstone) – Refuse for the reasons detailed in Report 06/84 and to enable a resolution of traffic problems in Inchtire as a result of overall development.

Amendment - (Councillors Caddell and Howie) – **Defer to enable the issues relating to non-compliance with the approved Development Brief for the site to be addressed and discussions with the relevant parties on the potential traffic impact.**

Amendment – 9 votes

Motion – 3 votes

Resolved:

In accordance with the Amendment.

- (4) **PK/05/01904/OUT – RUMBLING BRIDGE – Demolition of farm building and erection of dwellinghouse (in outline) at Braehead Farm, Rumbling Bridge, Kinross – Mr A Chappell - Report 06/85.**

Resolved:

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 3 years from the date of the grant of outline planning permission;
 - (ii) The expiration of 6 months from the date on which an earlier application for such approval was refused, or
 - (iii) The expiration of 6 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. That the proposed dwellinghouse shall be single storey in height.
5. Insofar as the land is under the control of the applicant visibility splays of 3.00m x 7.00m measured from the centre line of the access shall be provided in both directions along the nearside channel of the A823 Rumbling Bridge – Gleneagles Road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
6. 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.
7. Turning facilities shall be provided within the site to enable all vehicles to and leave in a forward gear to the satisfaction of the Council as Planning Authority.
8. Unless otherwise agreed in writing by the Planning Authority, no development shall be started until a contaminated ground investigation has been carried out in respect of the site by a suitably qualified consultant, and a scheme to deal with any contamination on the site has been submitted to and approved by the Planning Authority. The scheme shall include the following details:
 - (i) The nature, extent and types of contamination on the site including any source, pathway or receptor linkage;
 - (ii) Measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - (iii) Measures to deal with contamination to ensure the site is fit for the use proposed;
 - (iv) Condition of the site on completion of remedial measures.

Before the house is occupied any necessary measures to decontaminate the site shall be fully implemented as approved to the satisfaction of the Planning Authority.
9. Prior to the commencement of any construction on site, the applicant shall submit for the approval of the planning authority a scheme for the maintenance of the private drainage system to service the house and the scheme as approved shall thereafter be implemented and operated to the satisfaction of the planning authority.

The Committee also agreed that a Section 75 Agreement in relation to drainage would not be required on the basis that departure from the Development Plan is justified on this occasion because (a) the proposal is for a single private drainage solution, (b) there are no objections to this arrangement from statutory consultations with SEPA and SNH, (c) the site is located within a non-sewered settlement, (d) there is no prospect of the settlement being linked to the public system in the foreseeable future, (e) the site is located outwith the Loch Leven catchment area, and (f) the only outstanding criteria in Kinross Area Local Plan policy, regarding maintenance, can be resolved by a suspensive condition on a planning consent.

- (5) **PK/05/02079/FUL – KINROSS – Proposed alterations and extension to form study/utility room/bedroom and en suite bathroom at 8 Douglas Crescent, Kinross – Mr S Witt - Report 06/87.**

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

Resolved:

Grant, subject to Conditions to the satisfaction of the Council as Planning Authority on the grounds that the proposal (1) would not introduce an incongruous element into the street scene and (2) would not adversely impact on the residential amenity of the area as it would not overlook the neighbouring properties.

- (6) **PK/05/02084/FUL – PERTH – Alterations and extension to house including new roof with dormers, double garage and car port at Timber Lin, Manse Road, Perth – Mr J Flett - Report 06/88.**

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.
 - (i) The details of the reformed access shall take account of the final detail of the Council's proposed new footway and road widening scheme for Manse Road ex adverso the site.
 - (ii) The vehicular access shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the Planning Authority.
 - (iii) Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
 - (iv) A minimum of 2 No. car parking spaces shall be provided within the site.

- (7) **PK/05/02091/FUL – FEARNAN – Siting of 5 caravans for temporary workers/students at Boreland Farm, Fearnan – M Anand - Report 06/89.**

Resolved:

Grant, subject to the following conditions:

1. Within a period of 3 months of the date of this consent the existing caravans to be relocated to the approved site shall be moved and all other unauthorised caravans removed from the site to the satisfaction of the Council as Planning Authority.
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. Consent is hereby granted for a period of 10 years until 28 February 2016.
4. The use authorised by this permission shall be discontinued prior to the expiry of the period of consent.

(8) PK/05/02223/FUL – MILNATHORT – Extension to Dwellinghouse at ‘Fourways’, Manse Road, Milnathort – Mr H Hutchinson - Report 06/90.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 2(b) (Development Criteria) and Policy 6 (Design) of the Kinross Area Local Plan 2004 as its design over-dominates the existing building, elongates the building to an unacceptable degree and introduces an incongruous element into the street scene to the detriment of the visual character of the surrounding area.
2. The proposal is contrary to Policy 67 of the Kinross Area Local Plan 2004 as its design over-dominates the existing building, elongates the building to an unacceptable degree and introduces an incongruous element into the street scene to the detriment of the visual character of the surrounding area.

(9) PK/05/02247/OUT – LUNCARTY – Erection of a farm worker’s house (in outline) at Land South of Millhole Farm, Luncarty, Perth – Mr J C Allan - Report 06/92.

Resolved:

Refuse, for the following reason:

1. The proposed house does not fall within any of the excepted categories of development in the open countryside contained within the Council’s approved policy on Housing in the Countryside and fails to satisfy the related siting criteria i.e. that it uses existing trees and other natural features to provide a backdrop or; uses an identifiable site with long established boundaries. Approval would therefore be contrary to Policy 32 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 and to the Council’s amended policy on Housing in the Countryside December 2005.

COUNCILLOR A GRANT ENTERED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

(10) PK/05/02295/FUL – PERTH – Change of use from residential flat to office premises at 14 Marshall Place, Perth – Muir Associates - Report 06/93.

Mrs Muir, accompanied by Mr Muir, the applicants, addressed the Committee and, following their representation, withdrew to the public benches.

The Committee noted that the reference in Report 06/93 to Perth Area Local Plan 1995 should have read Perth Central Local Plan 1995.

Motion (Councillors Lumsden and Young) – Grant, on the grounds that the loss of ground floor residential accommodation would not be detrimental to the character and amenity of the area given the nature of the business and subject to Conditions to be formulated by the Head of Development Control.

Amendment (Councillors Caddell and E Grant) – Refuse, for the reasons detailed in report 06/93.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

COUNCILLOR WILSON ENTERED THE MEETING AT THIS POINT.

- (11) **PK/05/02157/FUL – COUPAR ANGUS – Erection of a travel lodge and associated staff accommodation at Land South of Station Road, Coupar Angus – Nortel Leisure - Report 06/91.**

IN TERMS OF STANDING ORDER 53, COUNCILLOR A GRANT, THE LOCAL MEMBER, ADDRESSED THE COMMITTEE.

Resolved:

Defer, to enable the application to be considered further including information on the proposed drainage system and consultation on landscaping issues and the proposed location and orientation of the manager's house.

COUNCILLORS A GRANT, E GRANT AND B MCNAUGHTON LEFT THE MEETING AT THIS POINT.

- (12) **PK/05/02309/FUL (Amended) – PERTH – Extension to rear of dwellinghouse at 116 Burghmuir Road, Perth – Mr and Mrs N Jackson - Report 06/94.**

The Committee noted that the appraisal section of Report 06/94 (page 3) should read "I therefore conclude that the proposal will not materially affect privacy or daylighting to neighbouring property."

Mr Jackson, the applicant, addressed the Committee, followed by Mrs Stewart, representing objectors to the application, and following their respective representations, Mr Jackson and Mrs Stewart withdrew to the public benches.

Motion (Councillors Livingstone and Caddell) – Refuse, on the grounds of over development of the site and loss of residential amenity of the area.

Amendment (Councillors Lumsden and Bushby) – 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. **No further development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 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 within the curtilage of the dwelling without formal planning approval from the Council as Planning Authority.**

Amendment – 6 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

COUNCILLORS YOUNG AND LIVINGSTONE LEFT THE MEETING AND COUNCILLOR E GRANT AND B MCNAUGHTON REJOINED THE MEETING AT THIS POINT.

FOLLOWING A TEN MINUTE RECESS THE COMMITTEE RECONVENED.

- (13) **PK/06/00022/FUL – PERTH – Extension to dwellinghouse at 72 Cavendish Avenue, Perth – Mr and Mrs M Longden - Report 06/95.**

Resolved:

Refuse, for the following reason:

1. The proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 (amended by Alteration No1 – Housing Land 2000) as it is considered that the proposal would be detrimental to the character and amenity of both the existing property and neighbouring properties. The proposals will not only significantly alter the character of the existing property and over develop the site, it will also overshadow and infringe on the privacy of neighbouring properties and affect the character and appearance of the surrounding area.

- (14) **PK/06/00130/FUL – PERTH – Erection of a single dormer window extension to dwellinghouse at 75 Oakbank Road, Perth – Mr Gibson - Report 06/96.**

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

IN TERMS OF STANDING ORDER 53, COUNCILLOR WILSON, THE LOCAL MEMBER, ADDRESSED THE COMMITTEE.

Resolved:

Defer, pending discussion with the applicant on revised proposals which would not be detrimental to the character and appearance of the existing building and the surrounding area (and as indicated in the report by the Head of Development Control).

COUNCILLOR CADDELL, HAVING DECLARED A NON FINANCIAL INTEREST IN THE FOLLOWING TWO ITEMS, (PK/05/01913/FUL AND PK/05/01981/FUL) IN TERMS OF STANDING ORDER 6, WITHDREW FROM MEETING AND LEFT THE CHAMBERS.

- (15) **PK/05/01913/FUL – Kenmore – Erection of 8 dwellinghouses and roadway at Land at Taymouth Drive, Kenmore - Perthshire Housing Association – Report 06/97.**

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. 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 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.
4. The (proposed) core path shown in PINK on the plan must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good to the satisfaction of the Council as Planning Authority prior to the occupation of any house.

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.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
7. 12 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.
8. Any associated in-river work shall be restricted to the period between 1 June – 31 October to the satisfaction of the Council as Planning Authority.
9. Prior to the commencement of construction, a full detailed construction method statement shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include:
 - Pollution prevention, including the possible use of siltation traps, settlement tanks and bunds.
 - Material, fuel and chemical storage, appropriate siting of stock piles and use of buffer strips, bunding and fencing.
10. Details of all external surfaces and finishes shall be submitted and agreed in writing by the Council as Planning Authority.
11. Prior to the commencement of works a detailed landscaping plan shall be submitted and agreed in writing by the Council as Planning Authority. The plan shall include all trees affected by the proposals and any new planting. Any replacement planting shall be in keeping with the local landscape character and be of an appropriate native species of local origin.
12. All landscaping work shall be undertaken in accordance with BS 5837 “Trees in relation to Construction” to the satisfaction of the Council as Planning Authority.
13. No development shall take place until the Council as Planning Authority has received confirmation that the development hereby approved is to be connected to a publicly maintained sewerage system.
14. A separate drainage system will be required for surface water and should be to a suitable urban drainage system (SUDS).
15. Details of all boundary enclosures for the site shall be submitted and agreed in writing by the Council as Planning Authority.
16. The houses shall be used for the purposes of affordable housing as defined in the Council’s policy on “Affordable Houses”.

(16) PK/05/01981/FUL – KIRKMICHAEL – Erection of 10 dwellinghouses at Sillerburn, Kirkmichael – Perthshire Housing Association – Report 06/98.

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. The houses shall be used for the purposes of affordable housing as defined in the Council's policy on "Affordable Houses".
4. A street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed with the Council as Planning Authority.
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.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council or Planning Authority.
7. The vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
8. The existing public road over the frontage of the site shall be widened to a minimum of 5.5m.
9. A minimum of 14 No. car parking spaces shall be provided within the site.
10. The gradient of the access shall not exceed 5% for the first 10 metres measured back from the edge of the carriageway and access shall be constructed so that no surface water is discharged to the public road.
11. Details of all boundary enclosures for the site shall be submitted and agreed in writing by the Council as Planning Authority.

COUNCILLOR CADDELL REJOINED THE MEETING AT THIS POINT.

COUNCILLOR LUMSDEN, HAVING DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEMS, IN TERMS OF STANDING ORDER 6 WITHDREW FROM THE MEETING AND LEFT THE CHAMBERS.

COUNCILLOR MACLELLAN LEFT THE MEETING AT THIS POINT.

COUNCILLOR CADDELL AS VICE - CONVENER TOOK THE CHAIR.

(17) PK/05/01933/FUL – PERTH – Erection of four dwellinghouses and garages at Tibbermore, Perth – Mr N G Sinclair – Report 06/99.

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

Mr Prentice, an objector made a composite address to the Committee on this application and application PK/05/02090/FUL (Amended) (below) and following his representation, withdrew to the public benches.

Resolved:

Defer, to give the applicant an opportunity to participate in discussions with the applicant of the adjoining property and Council Officers in order to ensure that the development of both sites complies with the general requirements of the Development Plan.

- (18) **PK/05/02090/FUL (Amended) – PERTH – Erection of four 1½ storey dwellinghouses with private sewage treatment plant, private access road and amenity space at Tibbermore, Perth – Mr D Soppitt – Report 06/100.**

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

Resolved:

Defer, to give the applicant an opportunity to participate in discussions with the applicant of the adjoining property and Council Officers in order to ensure that the development of both sites complies with the general requirements of the Development Plan.