

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 23 January 2008 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell, I Campbell, E Grant, A Jack, W Lumsden, M Lyle and H McDonald.

In Attendance: Councillor D Melloy (up to and including Art. 26(1)); N Brian, A Condliffe, A Fleming, B McNaughton, G Peebles, J Robertson, M Styczen and H Donaldson (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apologies: Councillors M Barnacle, J Kellas and A MacLellan.

Councillor W Wilson, Convener, Presiding.

23. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

24. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 13 December 2007 (Arts. 766-770) was submitted, approved as a correct record and authorised for signature.

25. DEPUTATIONS

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

Planning Application No.	Article No.
06/02631/OUT	26(1)
07/00546/FUL	26(2)
07/00797/FUL	26(3)
07/02010/FUL	26(5)

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputation in the order of business.

26. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **06/02631/OUT – ALYTH - Change of use to form a new 9 hole golf course, extended leisure facilities, erection of a manager's dwellinghouse and creation of a new retirement village (in outline) at Strathmore Golf Centre, Leroch, Alyth – Loyal Leisure Ltd and Servite Housing Association Ltd– Report 08/19**

Mr D Norman, Loyal Leisure Ltd, and Mr A Kilpatrick, Servite Housing Association Ltd, followed by Mr G Fleming and Mr M Barron, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Sustainable Communities Policy 6 of the Perth and Kinross Structure Plan 2003 as the development is liable to have an adverse impact on the local environment contrary to the policy objective of directing housing allocations specifically to the former Burghs and smaller settlements.
2. The scale of development on a site remote from existing population centres, facilities, services and not well served by public transport is unsustainable

- contrary to Policy 1 in the Eastern Area Local Plan 1998 and no other justifiable benefits have been advanced which would mitigate this objection.
3. The proposal is contrary to Policy 2 of the Eastern Area Local Plan 1998 as the site is not zoned for residential use or development, lies outwith any defined settlement, and occupies an open and visually exposed site failing to meet the required location criteria for residential development within the landward area.
 4. The proposal is premature in terms of the emerging Eastern Area Local Plan Review 2005, which does not identify this site as an area suitable for residential development.
 5. The proposal is contrary to Policy 49 of the Eastern Area Local Plan 1998 and the Council's Housing in the Countryside Policy 2005 in that the proposed housing would fail to meet any of the identified criteria.
 6. The proposal does not comply with the Council's Affordable Housing Policy 1995, which requires a needs assessment and appropriate provision.
 7. The site is served by a network of narrow unclassified roads which are not designed to cater with the scale of development envisaged generating a significant number of cars and would be unsustainable and detrimental to road safety interests.

COUNCILLOR D MELLOY LEFT THE MEETING AT THIS POINT.

(2) 07/00546/FUL – RANNOCH - Erection of two dwellinghouses at Dall House, Dall, Rannoch, Pitlochry – M James – Report 08/20

S MacKay, on behalf of the applicant, and Mr J Carnie, on behalf of various objectors, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and K Lyall) – Refuse, on the grounds that:

1. **The application is contrary to the Housing in the Countryside Policy and Policy 54 of the Highland Area Local Plan.**
2. **There are concerns with regard to road safety.**
3. **The road access is inadequate.**
4. **The bridge access is inadequate.**

Amendment (Councillors L Caddell and W Lumsden) – Grant, subject to conditions contained in Report 08/20 with condition 7 being amended to ensure that the applicant enters into a Section 75 Agreement in connection with the continued maintenance of the bridge and also subject to deletion of condition 9.

Amendment – 5 votes

Motion – 5 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:

In accordance with the Motion.

FOLLOWING A 10 MINUTE ADJOURNMENT, THE COMMITTEE RECONVENED.

(3) 07/00797/FUL – RANNOCH - Erection of two dwellinghouses at Dall House, Dall, Rannoch, Pitlochry – M James – Report 08/21

S MacKay, on behalf of the applicant, and Mr J Carnie, on behalf of various objectors, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and A Jack) – Refuse, on the grounds that:

1. The application is contrary to the Housing in the Countryside Policy and Policy 54 of the Highland Area Local Plan.
2. There are concerns with regard to road safety.
3. The road access is inadequate.
4. The bridge access is inadequate.

Amendment (Councillors L Caddell and H McDonald) – Grant, subject to the following conditions and Condition 7 being amended to ensure that the applicant enter into a Section 75 Agreement in connection with the continued maintenance of the bridge. Noting also that the original Condition 9 has been deleted.

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 sites shall be served from the C450 public road by the existing private access which shall be provided with intervisible passing places at approximately 100m centres. The access shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
4. A turning facility shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
5. A minimum of two car parking spaces shall be provided per house within each site.
6. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the C450 public road adjacent to the access to the development. 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 Planning Authority.
7. Prior to any work starting on site a full structural assessment report of the existing private bridge over the Dall Burn shall be carried out by a fully qualified chartered structural engineer and be submitted, in writing, to the Council for approval and any strengthening or repair works recommended in the report carried out to the satisfaction of the Council as Planning Authority.
8. Prior to any work starting on site, appropriate signage for any appropriate weight restriction shall be erected on either side of the existing private bridge over the Dall Burn.
9. Detailed information regarding the proposed drainage strategy for the proposal (including sewerage treatment arrangements), outlining, to the satisfaction of SEPA, how the developer intends to maintain the water quality of the River Tay Special Area of Conservation (SAC) shall be submitted for the further approval of this Planning Authority prior to the commencement of development.
10. 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 safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - Storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
 - Construction site facilities, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.

11. The location and design of protective fencing around retained trees should be in accordance with BS 5837: 2005.
12. The routing of underground services and the method of trenching for the installation of services should be in accordance with the National Joint Utilities Group (NJUG) publication No. 10.
13. The construction of the driveway and paved areas in proximity to trees should comply with Arboricultural Practice Note (APN 1), Driveways Close to Trees, available from the Arboricultural Association, Ampfield House, Ampfield, Romsey, Hants, SO51 9PA.
14. The location of any materials store needs to be outwith the canopy spread of the trees to be retained.
15. The ground levels beneath the canopy spread of the trees to be retained shall not be altered.
16. Full details of the intended works to existing trees on site, including crown lifting/canopy raising, shall be submitted for the further approval of the Planning Authority prior to the commencement of development.
17. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
18. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
19. The proposed rendered finish on both houses shall be a wet dash harl to the satisfaction of the Council as Planning Authority.
20. Full details and scaled elevations of the proposed detached garages shall be submitted for the further approval of the Council as Planning Authority prior to the commencement of development.

Amendment – 6 votes

Motion 4 votes

Resolved:

In accordance with the Amendment.

- (4) **07/01382/FUL – PERTH – Formation of beer garden to rear of premises at 26 Tay Street, Perth – J D Wetherspoon plc – Report 08/22**

Resolved:

Refuse, for the following reason:

1. The proposed beer garden will be incompatible with the surroundings in land use terms due to the likely impact of noise and fumes on adjacent office and residential properties. Approval would therefore be contrary to Policy 41 of the Perth Central Area Local Plan 1997.

- (5) **07/02010/FUL – STRATHTAY - Erection of 3 dwellinghouses, new access to highway and associated external works at land to north east of Dalraioch, Strathtay – Grovebury Management Limited – Report 08/23**

Mrs T Hunt, solicitor, and Mrs S Crystal, representing various objectors, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and K Lyall) – Grant, subject to the following conditions and Condition 11 being amended to include the promotion of indigenous species and wildlife:

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 accesses shall be formed in accordance with specification Type B, Fig 5.6, access detail to the satisfaction of the Planning Authority.
4. The public road over a length of 10m immediately adjacent to the accesses to plots 2 and 3 shall be widened to a minimum of 5m.
5. The gradient of the access shall not exceed 3% for the first three 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.
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 two car parking spaces per dwelling shall be provided within the site.
8. Full visibility splays of 2m by 60m shall be provided to the right and left of the accesses measured between points 1m above the adjacent road channel level.
9. Prior to the commencement of construction, details shall be submitted for the approval of the planning authority of the proposed re-engineering of site levels (ie. to indicate existing site levels, proposed site levels and proposed finished floor levels) throughout the site and the approved details shall then be implemented to the satisfaction of the Planning Authority.
10. Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.
11. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted, including the promotion of indigenous species and wildlife, and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
12. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
13. No retained trees shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of Perth and Kinross Council. All approved tree works shall be carried out in accordance with BS 3998 1989.
14. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by Perth and Kinross Council.
15. No works of development shall take place until a scheme for the protection of the retained trees (section 7 BS5837 2005, the Tree Protection Plan) has been agreed in writing with Perth and Kinross Council.
16. Details of the boundary treatments and plot boundaries shall be agreed in writing, these shall include a specification of the proposed dry stone rubble walling and timber screen fencing. All details shall be agreed in

writing with the Council as Planning Authority prior to the commencement of development.

The Committee unanimously agreed to include the following additional condition:

17. A habitat survey will be provided to the Planning Authority prior to commencement of any development.

Amendment (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the application will adversely affect the density and design of the settlement.

Amendment – 5 votes

Motion – 5 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:

In accordance with the Motion.

(6) 07/02128/OUT – MUTHILL - Proposed mixed housing development at Lintibert Farm, Muthill, Crieff – Drummond Estates – Report 08/24

N Brian, Development Quality Manager, advised the Committee that should the application be approved he would propose a further condition restricting the housing to the designated site.

Motion (Councillors W Wilson and L Caddell) – 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 submission of reserved matters referred to in condition 1 shall include detailed plans, sections and elevations of all buildings proposed to be erected or sited on the site, all earthworks together with details of the colour and type of materials to be used externally on walls and roofs and the location of adjacent trees.
5. The design and finishes of the dwellinghouses shall reflect the local design characteristics and should avoid introducing urban or suburban design elements and the layout of the site shall reflect the existing historic townscape and character of Muthill.
6. The submission of reserved matters referred to in condition 1 shall include a detailed landscaping and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size

and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority.

7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
8. The reserved matters required by condition 1 shall include full details of the proposed foul and surface water drainage systems.
9. The proposed layout and positioning of houses on site shall take into account the site's close proximity to the neighbouring agricultural buildings at Lintibert Farm.
10. At least 25% of the units proposed on site, shall be affordable as defined in the Council's Policy on Affordable Housing and no work shall commence on the development until the developer has reached an agreement with the Council on the manner in which these units will be delivered.
11. The submission of reserved matters referred to in condition 1 shall include details of all proposed public access and footpath links into the site and details on the retention of existing rights of way in and around the site.
12. All existing trees on the site shall be retained unless otherwise agreed in writing with the Planning Authority and their retention shall be shown in the submission of the reserved matters referred to in Condition 1.
13. 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 and to the satisfaction of the Planning Authority.
14. The site shall be served by vehicular accesses from Station Road and the A822 and these shall be formed in accordance with the Council's Roads Development Guide Type E Figure 5.8 access detail to the satisfaction of the Council as Planning Authority.
15. The gradient of the accesses shall not exceed 3% for the first 10.00 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.
16. Visibility splays of 4.50m x 90.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of Station Road prior to the occupation of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
17. Visibility splays of 9.00m x 160.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A822 prior to the occupation of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
18. A 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontages with Station Road and the A822 and implemented prior to the occupation of houses.
19. 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.
20. There is a presumption against the culverting of existing watercourses and where acceptable the culverted length shall be kept to an absolute minimum. The details and size of any such culvert shall be to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

21. Unless otherwise agreed by the Council as Roads Authority, the Developer shall provide a maintenance strip 6.00 metres wide along the site frontage of the watercourse. No fences, trees or other obstruction, which would interfere with the clear passage of water or maintenance vehicles, shall be allowed in these areas. All details of planting etc. within these areas shall be agreed in writing with the Council as Roads Authority.
22. 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.
23. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the A822 and Station Road public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed, surfaced and provided with appropriate shelters to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
24. A full habitat survey of the site shall be lodged as part of the reserved matters submission.

The Committee unanimously agreed to include the following additional condition:

25. Residential development shall be limited to that area zoned in the Strathearn Area Local Plan 2001 only and for the avoidance of doubt the additional area within the site, marked green on the approved plan, shall be used for access and landscaping and shall not contain any residential plots.

Amendment (Councillors H McDonald and M Lyle) – Refuse, on the grounds that there is an inappropriate inclusion of ground which is outwith the zoned site and settlement boundary of Muthill.

Amendment - 4 votes

Motion - 6 votes

Resolved:

In accordance with the Motion.