

# DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 18 January 2006 at 9.30am.

Present: Councillors Barnacle, Bushby (from Application PK/05/01411/LBC), Caddell, E Grant, Howie, Hulbert (from Application PK/04/01917/FUL), Livingstone, Lumsden, Lyall, MacLellan (from Application PK/05/01411/LBC), McDonald, McEwen and Young.

Attending: I Sleith, J Robertson, G McFarlane, B McNaughton, N Williamson and D Niven (all Planning and Transportation); A Fleming, A Clegg and M Hays (all Environment Services); C Elliott and J Dickson (both Corporate Services).

Councillor Lumsden, Presiding.

## 15. WITHDRAWAL OF APPLICATIONS

The Committee noted that the following planning applications had been withdrawn:

- (i) PK/05/01729/FUL – ABERFELDY – Erection of 1½ storey residential unit affiliated with farm usage and detached garage on land at Mains of Murthly, Aberfeldy, Perthshire – J & C McDiarmid – Report 06/15.
- (ii) PK/05/02306/FUL – PERTH – Alterations and extension to dwellinghouse at 18 St Magdalenes Road, Perth – Mr and Mrs Murray – Report 06/21.

## 16. DECLARATIONS OF INTEREST

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

## 17. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 20 December 2005 (Arts 946-951) was submitted, approved as a correct record and authorised for signature.

## 18. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear depositions in relation to planning applications PK/04/01917/FUL; PK/05/01411/LBC; PK/05/01602/FUL; PK/05/01657/FUL; PK/05/01906/FUL; PK/05/02162/FUL and PK/05/02263/FUL.

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

## 19. PLANNING APPLICATIONS FOR DETERMINATION

COUNCILLOR HULBERT ENTERED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

- (1) **PK/04/01917/FUL – PERTH – Erection of house on land to south of Orchardbank Nurseries, Barnhill, Perth – Mr E Roy – Report 06/10.**

Mr Fretwell, representing the applicant, addressed the Committee, followed by Mr Notley and Mr McNamara, objectors to the application. Following their respective representations, Mr Fretwell, Mr Notley and Mr McNamara 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. 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. All existing trees on the site and hedges at the boundaries shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to commencement of the development.
5. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or re-contouring 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 within one year of occupation.

In addition to conditions 1-5 above, the Committee unanimously agreed to impose two further conditions as follows:

6. The development shall not be begun until details of a scheme for disposal of surface water which ensures that water is not discharged to adjacent land to west of the site have been submitted to and approved by the Planning Authority.
7. The development shall not be begun 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.

COUNCILLORS BUSHBY AND MACLELLAN ENTERED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

**(2) PK/05/01411/LBC – PITCAIRNGREEN – Replacement of roof cladding at Dalcrue Farm, Pitcairngreen – Earl of Mansfield 1992 Trust – Report 06/11.**

A letter from an objector, which had been received after the papers were issued, was tabled.

Mr Anderson, representing the applicant, made a composite address to the Committee on this application and application PK/05/01602/FUL (below) and following his representation, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 25 of the Perth Area Local Plan 1995 incorporating alteration No 1 – Housing Land 2000 as the proposal would have a significant adverse impact on the character of the Listed Building by the cladding introducing a non-traditional and unsympathetic material on to the roof.
2. The proposal is contrary to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 especially Appendix 1 Section 1.5.9 as the traditional slating will not be retained and instead is being

replaced by non-traditional and unsympathetic profile sheeting which will adversely affect the character of the Listed Building.

The Committee further agreed to recommend that (1) a Repairs Notice be served on the building and (2) the remainder of the steadings be inspected to determine the extent of repairs required and enforcement action be taken if necessary.

**(3) PK/05/01602/FUL – PITCAIRNGREEN – Replacement of roof cladding at Dalcrue Farm, Pitcairngreen – Earl of Mansfield 1992 Trust – Report 06/12.**

Mr Anderson, representing the applicant, had previously spoken in support of the application.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 1 of the Perth Local Area Plan 1995 incorporating Alteration No 1 – Housing Land 2000 as the introduction of the profile sheeting would be out of character with the roofing materials used on the neighbouring traditional steading buildings and farmhouse.
2. The proposal is contrary to Policy 25 of the Perth Local Area Plan 1995 incorporating Alteration No 1 – Housing Land 2000 as the proposal would have a significant adverse impact on the character of the Listed Building by the cladding introducing an untraditional and unsympathetic material on to the roof and adversely affecting the setting of the A-Listed Dalcrue House.
3. The proposal is contrary to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 especially Appendix 1 Section 1.5.9 as the traditional slating will not be retained and instead is being replaced by non-traditional and unsympathetic profile sheeting which will adversely affect the character of the Listed Building and adversely affect the setting of the neighbouring A-Listed Dalcrue House.

**(4) PK/05/01649/FUL – COMRIE – Erection of a dwellinghouse for site manager, and formation of new water treatment works at Tullybannocher Restaurant, Comrie – Mr and Mrs R Chadburn – Report 06/13.**

**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 house hereby approved shall not be sold or let separately from other buildings on the site, and the associated occupation of the dwellinghouse shall be restricted to persons employed in the full time management and running of the adjacent "Tullybannocher" restaurant and retail outlets as defined in Section 277(1) of the Town and Country Planning (Scotland) Act 1997 or a dependant of such a person residing with him or her (but including a widow or widower of such a person).
4. The use of reconstituted stonework is not approved. The entrance porch shall be finished in timber cladding to the satisfaction of the Council as Planning Authority. Samples of all external finishing materials 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.
5. All existing trees and shrubs within the site shall be retained and protected to the satisfaction of the Planning Authority and 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 the development.

6. An additional detailed landscaping plan showing numbers and heights of new and replacement planting proposals (including boundary treatment) of indigenous species for the overall site, shall be forwarded for the written approval of the Council as Planning Authority prior to the commencement of work on site. The scheme shall include the re-contouring, reseeding, earth mounding works, screen planting and associated aftercare proposals, and shall be implemented by the second planting season following the occupation of the house.

**(5) PK/05/01657/FUL – SCONE – Erection of 50 dwellinghouses at Plots 89-138, Balgarvie Farm, Scone, Perth – A & J Stephen Limited – Report 06/14.**

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

**Resolved:**

**Grant,** subject to the following conditions:

1. Prior to any works commencing on site, a detailed landscaping and planting scheme shall be submitted for the further approval of the Planning Authority. 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 include a detailed summary of the timescales for implementing the landscaping, all to the satisfaction of the Planning Authority.
2. All landscaping/planting shall be implemented concurrently with the progress of housing completions to the satisfaction of the Planning Authority, unless otherwise agreed in writing.
3. Details of all the proposed boundary treatments and enclosures within the site (method of dividing plots) shall be submitted for the approval in writing by the Planning Authority prior to the commencement of the development/use and such scheme as may be approved shall be completed within an agreed timescale.
4. Prior to any works commencing on site precise details of the landscaping area between plots 89-108 and the rear of the properties along Myrtle Road shall be submitted for the approval in writing by the Planning Authority. This area should include a woodland mix and be a minimum of 5 metres in width.
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. The house types shown on plots 114, 115, 116, 124, 125, 126 and 127 (drawing number P8060/308) are not approved as part of this planning consent. Alternative house types shall be submitted for approval in writing by the Planning Authority within 6 months of the date of this decision.
7. Prior to the commencement of any works, precise details of the timescale for implementing the ball court sports provision shall be agreed in writing by the Planning Authority. These details should include the location, size, method of site enclosure and a start and completion date for the ball court sports provision (which shall in any account be not more than one year from the date of this consent).
8. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to the Planning Authority for approval.
9. A separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principal of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design.
10. The development shall be begun within a period of five years from the date of this consent.

11. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

**(6) PK/05/01906/FUL – RHYND – Alterations to existing workshop frontage (in retrospect) at Sleepless Inch, Rhynd – Mr G D Robertson – Report 06/16.**

Mr Robertson, the applicant, addressed the Committee, followed by Mr Skipper and Mrs Gray, objectors to the application. Following their respective representations, Mr Robertson, Mr Skipper and Mrs Gray withdrew to the public benches.

Motion – (Councillors Young and MacLellan) – Defer for further information on whether or not there has been an intensification of the use of the premises.

**Amendment – (Councillors Lumsden and Lyall) – 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.**

Amendment – 8 Votes

Motion – 5 Votes

**Resolved:**

In accordance with the Amendment.

COUNCILLOR LYALL LEFT THE MEETING AT THIS POINT .

**(7) PK/05/02124/ADV – AUCHTERARDER – Display of advertisement at ‘Altbea’, 18 Townhead, Auchterarder – Mr A C McDonald – Report 06/17.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 2 of the Strathearn Area Local Plan as it introduces an incongruous element which is out of character with the host building and surrounding area.
2. The proposal is contrary to Policy 58 of the Strathearn Area Local Plan as it introduces an incongruous element which is out of character with the host building and surrounding area.

COUNCILLOR LYALL REJOINED THE MEETING AND B MCNAUGHTON LEFT AND REJOINED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

**(8) PK/05/02162/FUL – SCONE – Extension to dwellinghouse at 1 Abbey Terrace, Scone, Perth – Ms F Soutar – Report 06/18.**

Miss Soutar, the applicant, addressed the Committee, and following her representation, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposed extension, by virtue of its scale, will dominate the existing building to the detriment of its character and appearance. The proposal is therefore contrary to Policy 1 of the Perth Area Local Plan 1995 (incorporating alteration No 1 Housing Land 2000) which seeks to maintain that developments are compatible with their surroundings.

2. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (incorporating alteration No 1 Housing Land 2000) as the proposed extension, by virtue of its close proximity to the windows of neighbouring property, will adversely affect the residential amenity currently enjoyed by the adjoining property.

**(9) PK/05/02222/FUL – CROOK OF DEVON – Erection of a two storey extension to rear of dwellinghouse at Caltuinn Mor, Main Street, Crook of Devon, Kinross – Mr and Mrs McKee – Report 06/19.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004 as appropriate regard has not been applied to the scale, form, colour and density of development within the locality. In addition, the development is calculated to result in a significant loss of amenity to both neighbouring properties and the local community through its public position.
2. The proposal is contrary to Policy 6 of the Kinross Area Local Plan 2004 in failing to suitably comply with - (a) the use of appropriate high quality materials; (d) ensuring proportions of any building are in keeping with surroundings, and (e) ensuring the development fits its location.
3. The proposal is contrary to Policy 81 of the Kinross Area Local Plan 2004 as the proposed extension is not regarded to improve but rather detract from the existing character and environment of Crook of Devon village.
4. Whilst the property is not actually listed, the building is however regarded to have considerable architectural merit. The proposal is therefore contrary to Policy 31 of the Kinross Area Local Plan 2004 as it does not involve the sympathetic restoration of buildings of architectural value.

**(10) PK/05/02263/FUL – FORTINGALL – Erection of a dwellinghouse and change of use from paddock to access road at Garden Plot, Gentian House, Garth, Fortingall – Mr and Mrs Strickland – Report 06/20.**

Mrs Strickland, the applicant, followed by Mr Gallacher, an objector to the application, addressed the Committee, and, following their respective representations, 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. The site shall be served by the existing private access to the adjacent properties which shall be provided with a bound surface together with appropriate protection to existing exposed down pipes and services, all to the satisfaction of the Planning Authority.
4. 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.
5. 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.
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.