

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 21 October 2009 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell (up to and including Art. 528(2)(iv)), I Campbell, C Gillies (up to and including Art. 528(3)(i)), E Grant, A Jack, J Kellas, W Lumsden, H McDonald and S Miller.

In Attendance: Councillor W Robertson (up to and including Art. 528(2)(i); P Kyle (up to and including Art. 528(2)(i)), N Brian, A Condliffe, B McNaughton, A Fleming and G Peebles (all The Environment Service); Lamsden Zulu, Director of Planning, City of Choma, Zambia; G Fogg (Corporate Services); Y Oliver (Chief Executive's Service).

Apology for Absence: Councillor M Lyle.

Councillor W Wilson, Convener, Presiding.

524. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor L Caddell declared a non-financial interest in Art. 528(3)(i).

525. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 23 September 2009 (Arts. 480-483) was submitted, approved as a correct record and authorised for signature.

526. 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.
09/00732/FLL	527(1)
07/02030/IPM	528(1)
09/00938/FLL	528(2)(iii)
09/01216/FLL	528(2)(iv)
09/01083/FLL	528(3)(i)

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

527. APPLICATION PREVIOUSLY CONSIDERED

(1) 09/00732/FLL – KENMORE – Modification of existing consent (07/01739/FUL) to remove Condition 23 at Taymouth Holiday Centre, Kenmore – D Menzies and Partners – Report 09/473

Mr R Menzies, applicant, and Mr G Clark, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

Resolved:

Refuse, for the following reasons:

1. The removal of Condition 23 would be contrary to Policy 45 of the Highland Area Local Plan 2000 which states that built development should not be located adjoining and outwith those settlements which are the subject of Inset Maps. This proposal seeks built development located outwith the settlement boundary of Kenmore. There was considered to be a justification for departure from this Policy with a proposal for holiday accommodation. This justification for departure would no longer exist if the condition restricting occupancy to holiday accommodation is removed.
2. The removal of Condition 23 is contrary to Policy 2(h) of the Highland Area Local Plan 2000 which seeks to ensure built development is located in those settlements which are the subject of Inset Maps. This development is located partially outwith the settlement of Kenmore and no justification exists for departure from this Policy if Condition 23 is removed.
3. The removal of Condition 23 is contrary to the Council's Affordable Housing Policy 2005 as the applicant has failed to provide any affordable housing on-site and although willing to pay a contribution in lieu of on-site provision, the Affordable Housing Policy specifically states that all developments of over 20 units should include on-site affordable housing provision. The proposal fails to meet the requirements of Perth and Kinross Council's Affordable Housing Policy (August 2005), which is applicable to all housing sites of 5 units and above unless the site has an existing planning consent or is subject of an approved master plan or planning brief.
4. The removal of Condition 23 is contrary to Policy 58 of the Highland Area Local Plan 2000 which seeks to ensure that development does not have a detrimental effect on the density, character and amenity of the area. The removal of Condition 23 would result in a large area of mainstream housing development which is surrounded on all sides by tourist accommodation which is not considered reasonable in terms of residential amenity. The plot ratios and layout of the site are not considered appropriate for a mainstream housing site.

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Councillor I Campbell moved an amendment that the application be deferred. Upon failing to find a seconder, the amendment fell.

Councillor J Kellas moved an amendment that the application be approved. Upon failing to find a seconder, the amendment fell.

528. PLANNING APPLICATIONS FOR DETERMINATION

(1) Major Developments

- (i) 07/02030/IPM – MILNATHORT – Formation of agricultural related businesses including Retail (Class 1), Business (Class 4) and Industrial (Class 5) and Storage and Distribution (Class 6) (in principle) on land east of Hattonburn Bridge, Milnathort – A Neilson and W S Young and Son – Report 09/474**

A Condliffe, Applications Team Leader, advised the Committee that, subsequent to Report 09/474 being issued, discussions had taken place with the applicant and it had been agreed that the condition relating to the Section 75 Agreement would be too onerous. She recommended therefore, that if the Committee was minded to approve this application, the requirement for a Section 75 Agreement to limit occupancy to named users, be removed.

Mr D Queripel, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public gallery.

Resolved:

Grant, subject to the following conditions:

1. The development shall not commence until the following matters have been approved by the Planning Authority: 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, vehicle turning and visibility finishing materials, levels (existing and proposed); means of foul and surface water drainage; means of ventilation and odour control/discharge to each of the buildings; means of noise attenuation, all means of enclosure, site and building illumination, and hours of operation of the businesses.
2. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59(2) and (3) of the Town and Country Planning

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(Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
3. The Planning Permission in Principle for this development lapses on the expiration of two years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
 4. The detailed landscaping proposals required to be approved by Condition 1 of this permission shall include the provision of a 10 metres wide planting belt along the northern edge of the application site. Full details shall include plant species, whip sizes and distribution and the approved planting belt shall be planted out in full by the end of the first planting season following the new buildings being first occupied.
 5. The Class 1 retail user shall be limited to the operation of Carrs Billington only. Wider public retail sales from the building shall constitute an ancillary element only of the overall business operation and shall be restricted to the display and sales of farm and country related products.
 6. No development shall take place within the development site as outlined 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 to and approved in writing by the local 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 local Planning Authority.

Justification

Although the proposal represents a departure from the Development Plan, other material considerations, which have been fully appraised in this report and carefully weighed, provide justification for departing from the objectives of the Development Plan in this instance.

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Informative

The applicant, developer, or agent, is advised to contact Dr Oliver O'Grady at Perth and Kinross Heritage Trust in connection with the requirements of Condition 6 and the terms of reference of the necessary written Scheme of Investigation.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(2) Local Development Applications

- (i) 07/00716/FLL – MILNATHORT – Erection of 21 dwellinghouses with associated site works at Auld Mart Road, Milnathort – Mansell Partnership Homes – Report 09/475**

In accordance with Standing Order 53, Councillor W Robertson, one of the elected members representing Ward 8, addressed the Committee,

Resolved:

Refuse, for the following reason:

The proposed development is contrary to Policy 71 of the Kinross Area Local Plan 2004 in that the site is identified for predominantly industrial and business uses and insufficient justification has been put forward to depart therefrom.

COUNCILLOR W ROBERTSON AND P KYLE LEFT THE MEETING AT THIS POINT.

- (ii) 09/00360/FLL – GUILDTOWN – Erection of 20 dwellinghouses with associated infrastructure at site west of Oakbank Road, Guildtown – A and J Stephen Ltd – Report 09/476**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. A minimum of five units shall be administered by a registered social landlord, unless otherwise agreed in writing by the Council as Planning Authority.
4. Prior to the commencement of any works on-site, precise details of which (and how many) units are to be administered by the registered social landlord, shall be submitted for the approval in writing by the Council as Planning Authority.

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5. Prior to the commencement of any works on-site, a detailed planting/landscaping scheme (including all proposed tree works), which must include a timescale for implementation, shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, within the agreed timescale, with replanting occurring as necessary to the satisfaction of the Council as Planning Authority.
6. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation of houses.
7. 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.
8. All trees indicated as being retained on drawing no. P8483/05 shall be retained in perpetuity, and adequately protected during the course of construction (in accordance with the British Standard *BS 5837:2005 Trees in relation to Construction*) to the satisfaction of the Council as Planning Authority.
9. Prior to the commencement of any works on-site, precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval in writing by the Council as Planning Authority.
10. Prior to the commencement of any works on-site, precise details of the long-term maintenance of all landscaped/openspace areas (including road verges) must be agreed in writing by the Council as Planning Authority.
11. Prior to the commencement of any works on-site, precise details of the Sustainable Urban Drainage Scheme (SUDS) basin (including any means of enclosure) must be submitted for the approval in writing by the Council as Planning Authority. Details must also include an assessment of the likely impact on local bio-diversity.
12. Prior to the commencement of any works on-site precise details of all boundary treatments must be submitted for the approval in writing by the Council as Planning Authority.
13. Prior to the commencement of any works on site, all early-mature and mature trees shall be surveyed by a suitably qualified person for the presence of bats and bat-roosts.

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Justification

The proposal accords with the Development Plan and there are no material reasons to justify a refusal.

Procedural Note

A formal planning consent should not be issued until the payment for play park upgrades has been secured.

Informatives

1. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

(iii) 09/00938/FLL – MUTHILL – Erection of 3 dwellinghouses at Lindores, Wardside, Muthill – Mr D McDermott – Report 09/477

Mr E Strickland, agent on behalf of the applicant, and Dr L Lennie, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. A scheme for the junction arrangement and road markings at the junction of Glebe Road with Wardside shall be agreed in writing with the Council as Roads Authority prior to the commencement of work on site and implemented prior to the commencement of development of the houses to the satisfaction of the Planning Authority.

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4. Prior to the commencement of the development of the houses and unless otherwise agreed in writing by the Council as Planning Authority the existing vehicular access between the public road junction and the site entrance shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
5. Three parking spaces shall be provided within the curtilage of each site to the satisfaction of this Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and maintained permanently thereafter.
6. Prior to the occupation or use of the approved development, 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. 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 work in accordance with a written scheme of archaeological 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.
8. All new window openings shall be fitted with timber windows to the prior agreement of the Council as Planning Authority.
9. A sample of all proposed finishing materials shall be submitted for the further written approval of the Planning Authority prior to the commencement of development. The proposed harling shall be a wet dash harl and all stone proposed shall be natural stone.
10. All existing trees, with the exception of those shown on the approved plans for removal, 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. All methods of protection shall be in line with British Standard *BS 5837 2005 - Trees in Relation to Construction* and be placed in position prior to the commencement of any development on-site.
11. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning

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Authority prior to the commencement of the development to allow for the replacement of the trees proposed for removal. 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.

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.

Justification

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

Procedural Note

Consent not to be issued until a Section 75 Agreement has been completed and signed in respect of the following issue:
Education Contribution of £6105 per unit in line with Planning Guidance Note – Primary Education and New Housing Development May 2009.

Informatives

1. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services Team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
4. The applicant should be aware that the bin store area marked on the plans can only be used as a store and that all refuse collection will be taken from the public road.

Councillor A Jack moved an amendment that the application be refused. Upon failing to find a seconder the amendment fell.

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(iv) **09/01216/FLL – CRIEFF – Erection of extension to ground floor flat, Lower Flat, Ivy Knoll, Ancaster Road, Crieff – Mr and Mrs K J Halls – Report 09/478**

Ms D Griesbach, on behalf of objectors to the application, addressed the Committee, and, following her representation, withdrew to the public gallery.

Motion (Councillors W Wilson and H McDonald) – Refuse, for the following reasons:

1. **There is inadequate tree and boundary landscaping on the proposed application.**
2. **The size and scale of the proposal would be detrimental to the amenity of the surrounding residential area.**

Amendment (Councillors K Lyall and W Lumsden) – Defer, to allow (i) the submission of an up-to-date and accurate plan; and (ii) justification of the materials to be used in the proposed application.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

COUNCILLOR L CADDELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE MEETING AT THIS POINT.

(3) **Perth and Kinross Council Application**

(i) **09/01083/FLL – PERTH – Erection of Special Needs Residence, Beechgrove House, Hillend Road, Perth – Perth and Kinross Council – Report 09/479**

Mr S Salins, Project Architect, Perth and Kinross Council, addressed the Committee, and, following his representation, withdrew to the public gallery.

Resolved:

Grant, subject to the following conditions:

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans unless otherwise provided for by conditions on the planning consent.
3. All trees shown to be retained on the submitted plan shall be protected during construction works in accordance

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with *BS 5837:2005 – Trees in relation to Construction*, to the satisfaction of the Council as Planning Authority.

4. Details of the Sustainable Urban Drainage Systems (SUDS) to deal with surface water drainage shall be submitted to the Planning Authority for approval prior to the commencement of work.
5. The proposed location of the bin store is not approved and an alternative location shall be agreed with the Planning Authority prior to the commencement of work, unless otherwise agreed in writing.
6. The use of the premises shall fall within Class 8 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 ie Residential Institution and for no other purpose.

Justification

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

Informative

The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

COUNCILLOR C GILLIES LEFT THE MEETING AT THIS POINT.

(4) Applications by Elected Members and Chief Officers

- (i) **09/01282/LBC – PERTH – Alteration to house and formation of balcony, 35 King Street, Perth – Mr and Mrs Coburn – Report 09/480**

Resolved:

Grant, subject to the following conditions:

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development shall be implemented in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. All new external works and finishes and works of making good the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, to the satisfaction of the Planning Authority.
4. The existing internal shutters and panelled reveals to the window shall be retained in situ.

Justification

The proposal is in accordance with the Development Plan and there are no material considerations to justify a departure.

- (ii) **09/01344/FLL – PERTH – Alteration to house and formation of balcony, 35 King Street, Perth – Mr and Mrs Coburn – Report 09/481**

Resolved:

Grant, subject to the following conditions:

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development shall be implemented in accordance with the accompanying approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. All new external works and finishes and works of making good the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, to the satisfaction of the Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material considerations to justify a departure.

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