

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 30 August 2006 at 9.30am.

Present: Councillors Barnacle, Caddell, Howie, Hulbert, Livingstone, Lumsden, Lyall, McDonald, McEwen, MacLellan and Miller (substituting for E Grant).

Attending: I Sleith, G McFarlane, J Robertson, B McNaughton, A Fleming, J McCrone and R Haworth (all The Environment Service); G Fogg, Y Oliver and J Dickson (all Corporate Services).

Apology for Absence: Councillor Young.

Councillor Lumsden, Convener, Presiding.

563. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn:

- (1) **06/00967/FUL - AUCHTERARDER - Extension to dwelling at 26 Windsor Gardens, Auchterarder, Perthshire - Mr and Mrs Kelly - Report 06/607.**

564. DECLARATIONS OF INTEREST

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

565. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 2 August 2006 (Arts. 491-499) was submitted, approved as a correct record and authorised for signature.

566. DEPUTATIONS

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

Planning Application No.	Article No.
06/00813/FUL	568(2)
06/01039/FUL	568(5)
06/01109/OUT	568(7)
06/01110/FUL	568(8)
06/01169/FUL	568(9)

The Committee unanimously agreed in terms of Standing Order 19, to vary the order of business.

567. PLANNING APPLICATION PREVIOUSLY CONSIDERED

- (1) **06/01253/FUL - CRIEFF - Erection of 5 dwellinghouses on land at disused bowling green and 42 Mitchell Street, Crieff - Strathardle Developments Ltd - Report 06/602. (Art. 499(9)).**

The Committee noted in terms of Standing Order 18, that as Councillors Howie, Livingstone and Miller had not been present during consideration of this application at the meeting on 2 August 2006, they did not participate in the discussion and the taking of the decision today.

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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
4. The vehicular access shall be formed in accordance with specification Type B, Fig 5.6, access detail to the satisfaction of the Planning Authority.
5. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
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. A minimum of two off-street car parking spaces per house shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling.
8. All trees on the boundaries of the site shall be retained unless otherwise agreed in writing by the Council as Planning Authority. All existing trees for retention shall be 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.
9. All the stonework on the site is not approved and shall be the subject of further agreement in writing by the Council as Planning Authority.
10. The detailed landscaping and planting scheme for the site, which is hereby approved, shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
11. 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.

568. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **05/00626/FUL - BRIDGE OF EARN - Demolition and reconstruction of steading to form 12 residential units at West Dron Steading, Bridge of Earn, Perth - BL Developments - Report 06/603.**

In the course of considering this application the Head of Development Standards was requested to (a) adopt a more rigorous assessment of reports justifying demolition of buildings and to better demonstrate that assessment in Committee reports and (b) to undertake a review of the Council's policy in relation to street lighting of rural housing developments.

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 herewith, 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 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.
5. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage;
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - (iii) measures to deal with contamination during construction works;
 - (iv) condition of the site on completion of remediation measures.
6. 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 within 6 months of the completion of the development and thereafter maintained; unless otherwise agreed in writing with this Planning Authority.
7. 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.
8. 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.

(2) 06/00813/FUL - BANKFOOT - Erection of three 5 apartment dwellinghouses at land at Main Street, Bankfoot, Perth - Mr and Mrs D Donaldson - Report 06/604.

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

Resolved:

Grant, on the basis that it was reported that the planning consent for the erection of houses on the site had not expired and that there was therefore a likelihood of there being available drainage capacity for this proposal. It was therefore agreed subject to the prior confirmation by Scottish Water of the availability of drainage capacity in the public sewerage system, to grant the application subject to the following additional conditions:

1. The use of timber 'up and over' garage doors with vertical emphasis.
2. All roofs shall be slated.
3. The roof pitch being increased to match that at the adjacent buildings.
4. The use of wet dash.

(3) 06/00834/OUT - AUCHTERARDER - Erection of a dwellinghouse at Duchally Lodge, Auchterarder, Perthshire - Mrs M Raeder - Report 06/605.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 2 of the Strathearn Area Local Plan, as the site is not adequate to accommodate the development satisfactorily in site planning terms without adversely eroding the existing landscape framework;

2. The proposal is contrary to Policy 3 of the Strathearn Area Local Plan 2001, in failing to conserve existing landscape features;
3. The proposal fails to suitably comply with the any of the criteria of Policy 54 of the Strathearn Area Local Plan 2001, Housing in the Countryside;
4. The proposal fails to comply with the recently adopted Perth & Kinross Housing in the Countryside policy in failing to satisfactorily fulfil any elements of the policy without impacting detrimentally upon the existing landscape setting.

(4) 06/00916/FUL - COUPAR ANGUS - Erection of 35 flats and associated car parking at land bounded by Town Centre Bypass and Union Street, Coupar Angus, Blairgowrie - Lamb and Gardiner Ltd - Report 06/606.

Resolved:

Grant, subject to the proposed Section 75 Agreement being replaced by the condition that:

The development shall not begin until a scheme for the provision of ten flatted residential units ('the Units') for sale as affordable housing under a shared equity arrangement as part of the development has been submitted to and approved in writing by the Planning Authority. The Units shall be provided in accordance with the approved scheme. The scheme shall include details of:

- (a) the location of the units within the development site;
- (b) the timing of construction of the Units;
- (c) the criteria to be used to ensure that the units are marketed and sold under a shared equity arrangement, including the income criteria to be used to determine the identity of prospective and successive purchasers;
- (d) the means by which the approved scheme shall be enforced; and
- (e) the preferred Housing Association or Registered Social Landlord;

and the following conditions:-:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. Samples of all external finishing materials shall be submitted for approval in writing prior to application all to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any work on site, the applicant shall submit additional landscaping details in the form of hedging and small tree planting along the A94 frontages all to the satisfaction of the Council as Planning Authority.
5. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site;
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - (iii) measures to deal with contamination during construction works;
 - (iv) condition of the site on completion of decontamination measures.
 Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.
6. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the

satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

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. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
9. A minimum of 50 No. car parking spaces shall be provided within the site.
10. A secure waterproof cycles parking facility for a minimum of 20 cycles shall be provided within the site to the satisfaction of the Planning Authority.
11. Bus shelters for bus passengers shall be provided on both sides of Union Street adjacent to the access to the development to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
12. Prior to the commencement of any work on site, the applicant shall obtain written confirmation from Scottish Water that a mains drainage connection is available to the satisfaction of the Council as Planning Authority.
13. The recommendations within Sections 5.06, 5.07 and 5.08 of *Noise Impact Assessment : Union Street/A94 Coupar Angus* from The Charlton Smith Partnership and dated 22 November 2004 which relate to the construction of this development shall be implemented in full to the satisfaction of the Council as Planning Authority.
14. The 10 identified units on plan marked 'A' shall be occupied as affordable houses within the terms of the Council's affordable housing policy.

(5) 06/01039/FUL - FEARNAN - Alterations to dwellinghouse at Corriegorm, Fearnan, Aberfeldy, Perthshire - Mrs H Howard - Report 06/608.

Mrs H Howard, the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Motion (Councillors Lyall and Howie) - Grant, on the grounds that the proposed development would not be visually obtrusive or contrary to Local Plan Policies.

Amendment (Councillors Miller and Caddell) - Defer, for further discussion to be entered into with the applicant with regard to the size and appearance of the proposed extensions.

Amendment - 4 votes

Motion - 7 votes

Resolved:

In accordance with the Motion.

(6) 06/01105/OUT - BRACO - Erection of 100 holiday houses, together with leisure facility, restaurant, café/bar, administration and housekeeping facilities (in outline) at land at Feddal, Braco, Perthshire - Braco Estates Ltd - Report 06/609.

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, tree survey, all means of enclosure, drainage (including SUD's), number of units, layout, 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. The development hereby approved shall be used for holiday accommodation only and shall not be occupied as the sole or main residence of any occupant.
 5. The site layout at a scale of 1:500, as indicated on drawing number P01b is not approved and is a reserved matter.
 6. As part of any reserved matters application the applicant shall submit a detailed biodiversity survey and management plan including mitigation strategy. The biodiversity plan shall include any impacts from the proposed development on otter and bat habitats, fish migration and water quality of the Feddal Burn and impact on other flora and fauna on the site.
 7. As part of any detailed or reserved matters application the applicant shall prepare and submit a conservation statement which indicates the applicant's intention to use the existing historic landscape structure and its buildings. This should be prepared in consultation with the Planning Authority and will provide a basis for future management and decision making.
 8. Any detailed or reserved matters application shall provide a detailed plan of public access across the site for the approval of the Planning Authority. The plan will show i) all existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights under the Land Reform (Scotland) Act 2003; ii) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings; iii) all paths and tracks proposed for construction for use by walkers, riders, cyclists, all abilities users; iv) any diversions of paths - temporary or permanent.
 9. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
 10. Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey of the extant structure, to be carried out by an archaeological organisation acceptable to the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to Perth and Kinross Heritage Trust not less than 14 days before development commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and with Perth and Kinross Heritage Trust.

The Committee resolved to add an additional note:

The applicant be asked to recognise the implications of construction traffic on the safety of pedestrians, especially children, in the vicinity of Braco Primary School and to so organise construction operations to migrate the potential danger.

(7) 06/01109/OUT - INCHTURE - Erection of dwellinghouse with integral garage and ancillary self-contained guest accommodation at the Horseshoe Café, Inchture - Mr M Burn and Mrs E Raybould - Report 06/610.

Mrs McKay, representing the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not meet any of the categories (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversions or (6) Brownfield Site.
2. The proposal will adversely affect the setting of the adjacent Designed Landscape and is therefore contrary to Policy 17 of the Perth Area Local Plan 1995 which states the 'council will protect and seek to enhance Historic Gardens and Designed Landscapes' and also Environment and Resources Policy 8 of the Perth and Kinross Structure Plan 2003 which states 'new development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is proven public interest where social, economic or safety considerations outweigh the cultural interest in the site'.
3. The proposal will introduce a visually incongruous element into a prominent, open countryside landscape and is therefore contrary to Policy 1 of the Perth Area Local Plan 1995 which states that 'developments in the Landward Area should be compatible with its surroundings in land use terms and proposals should not cause unacceptable environmental impact'.

(8) 06/01110/FUL - INCHTURE - Extension of parking area with ancillary landscaping at the Horseshoe Café, Inchture - Mr M Burn and Mrs E Raybould - Report 06/611.

Mrs McKay, representing the applicant, addressed the Committee, and following her representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal will introduce a visually incongruous element into an attractive countryside landscape and is therefore contrary to Policy 1 of the Perth Area Local Plan 1995 which states that 'developments in the Landward Area should be compatible with its surroundings in land use terms and proposals should not cause unacceptable environmental impact'.
2. The proposal will adversely affect the setting of the adjacent Designed Landscape and is therefore contrary to Policy 17 of the Perth Area Local Plan 1995 which states the 'Council will protect and seek to enhance Historic Gardens and Designed Landscapes' and also Environment and Resources Policy 8 of the Perth and Kinross Structure Plan 2003 which states 'new development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is proven public interest where social, economic or safety considerations outweigh the cultural interest in the site'.
3. The proposal is on the roadside of the A90 and therefore contrary to Policy 38 of the Perth Area Local Plan 1995 which states 'the Council will not support proposals for roadside services on or adjacent to the A90 (except Proposal 5 site RF1) except where there is an identifiable and overriding need'.

(9) 06/01169/FUL - PERTH - Alterations to and change of use of city hall to form speciality shopping centre with café, restaurant and market stalls at Perth City Hall, King Edward Street, Perth - Wharfside Regeneration (Perth) Ltd - Report 06/612.

Mr Beaton, on behalf of the Architectural Heritage Society of Scotland, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors Lumsden and Livingstone) - Defer, to enable further consultation with the applicant on:

- (i) the use of the area within the east elevation for the purposes of a public concourse rather than as retail units;
- (ii) the consequent visual impact of retail unit on the east elevation and on the relationship with the space between the building and St John's Kirk;
- (iii) the protection of the view of St John's Kirk from the public concourse within the building;
- (iv) the retention of original windows on north and south (side) elevations;
- (v) the application of a white finish to all windows; and
- (vi) all stonework detailing to be returned to recesses in the formation of new openings on north and south side elevations.

Should the application be granted, the Committee unanimously agreed that prior to the commencement of work, a method statement to mitigate the impact of construction operations on residential and commercial properties in the surrounding area and on circulation through the surrounding area, be required.

An Amendment by Councillor Miller to grant the application subject to the conditions detailed in Report 06/612 failed to secure a seconder and the amendment accordingly fell.

Resolved:

In accordance with the Motion.

- (10) **06/01170/LBC - PERTH - Alterations to and change of use of City Hall to form speciality shopping centre with café, restaurant and market stalls at Perth City Hall, King Edward Street, Perth - Wharfside Regeneration (Perth) Ltd - Report 06/613.**

Resolved:

Defer, to enable further consultation with the applicant on:

- (i) the use of the area within the east elevation for the purposes of a public concourse rather than as retail units;
- (ii) the consequent visual impact of retail unit on the east elevation and on the relationship with the space between the building and St John's Kirk;
- (iii) the protection of the view of St John's Kirk from the public concourse within the building;
- (iv) the retention of original windows on north and south (side) elevations;
- (v) the application of a white finish to all windows; and
- (vi) all stonework detailing to be returned to recesses in the formation of new openings on north and south side elevations.

Should the application be granted, the Committee unanimously agreed that prior to the commencement of work, a method statement to mitigate the impact of construction operations on residential and commercial properties in the surrounding area and on circulation through the surrounding area, be required.

- (11) **06/01387/FUL - BRIDGE OF EARN - Alterations and dormer extension at 2 Dunbarney Avenue, Bridge of Earn, Perth - Mr and Mrs C McGregor - Report 06/614.**

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995, incorporating Alteration No1 – Housing Land 2000, as it does not respectfully accord with the existing pattern of building through scale, form, and design.

2. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, incorporating Alteration No1 – Housing Land 2000, as it represents an incongruous and unsympathetic addition which will adversely affect the visual character of the host building and surrounding area.

(12) 06/01532/FUL - CRIEFF - Erection of a dwellinghouse at site at Callum's Hill, Baird Terrace, Crieff - Mr George McOmish - Report 06/615.

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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. 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.
4. 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.
5. All existing trees on 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. The detailed landscaping and planting scheme for the site, which is hereby approved, shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as 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.

569. PLANNING APPLICATIONS UNDETERMINED AFTER FOUR MONTHS

There was submitted and noted a report by the Head of Development Standards (06/617) advising that 158 applications registered since January 2004 had not been determined within four months, representing 21% of the 735 current applications. The Appendix to Report 06/617 detailed the applications and the reason for non-determination.