

# DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Thursday 13 December 2007 at 9.30am.

Present: Councillors W Wilson, M Barnacle, K Lyall, L Caddell, I Campbell, J Flynn (substituting for A MacLellan), E Grant, A Jack (up to and including Art. 770(6)), J Kellas, J Law (substituting for E Howie), M Lyle and H McDonald.

In Attendance: Councillor D Melloy; N Brian, B Stanford, A Fleming, B McNaughton, K Stirton, J Robertson, K Graham and C Stewart (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

## 766. DECLARATIONS OF INTEREST

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

## 767. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 15 November 2007 (Arts. 701-706) was submitted, approved as a correct record and authorised for signature.

## 768. 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.
07/00595/FUL	770(1)
07/01079/FUL	770(3)
07/01768/FUL	770(6)
07/01940/FUL	770(7)
07/01952/FUL	770(8)

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

## 769. PLANNING APPLICATION PREVIOUSLY CONSIDERED

- (1) **06/01755/FUL – KINROSS – Change of use from agricultural land to assembly and leisure (class 11) at Braelin, Kinross – Douglas Alexander – Report 07/807**

### Resolved:

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

1. The proposed development must be carried out in accordance with the information submitted, unless otherwise provided for by conditions imposed on the planning consent.
2. Consent is hereby granted for a limited time period of ten years from the date of consent.
3. The development authorised by this consent shall be removed and the site reinstated to its former condition to the satisfaction of the Planning Authority, upon the expiry of the period of consent.
4. The hours in which the development shall operate shall be restricted to daylight hours, but in any event not outwith the hours of 9.00am to 5.00pm in Winter months (November, December, January), 9.00am to 7.00pm in Spring months (February, March) and Autumn months (September, October) and 9.00am to 10.00pm in Summer months (April, May, June, July, August).

5. Notwithstanding the aforementioned condition, the operating hours may be extended up to 24.00 hours (midnight) for a period not exceeding 28 days in any calendar year; otherwise the aforementioned condition shall apply.
6. The number of persons present on the site at any time shall not exceed 1000 in total.
7. All vehicles associated with motor sport activities shall be provided with silencers and suitably maintained as per the operator's/maker's instructions to minimise any noise nuisance potential.
8. No activity shall be permitted on the site which would result in an increase in the existing ambient noise level at the nearest residential properties other than for events which are covered by specific licence conditions.
9. The vehicular access 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.
10. The gradient of the access 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.
11. Visibility splays of 4.50m x 215.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A91 prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
12. 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.

#### 770. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **07/00595/FUL - KINROSS – Demolition of existing redundant agricultural sheds/stables, conversion of existing barn, redevelopment of existing farmhouse and erection of 10 new dwellinghouses at Levenmouth Farm, Kinross – Moncor Limited– Report 07/808**

Mr J Carson, applicant, and Mr J Williams, an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors M Barnacle and I Campbell) – Refuse, on the grounds that the application is contrary to Policies 2 and 49 of the Kinross Area Local Plan and contrary to the Housing in the Countryside Policy 2005.

**First Amendment (Councillors J Kellas and A Jack) – Defer, for clarification on settlement and airfield safety matters.**

Second Amendment (Councillors L Caddell and W Wilson) – Grant, subject to conditions contained in Report 07/808.

Second Amendment – 4 votes

First Amendment – 6 votes

The second amendment accordingly fell.

First Amendment – 6 votes

Motion – 5 votes

**Resolved:**

In accordance with the First Amendment.

FOLLOWING A 15 MINUTE ADJOURNMENT, THE COMMITTEE RE-CONVENED.

**(2) 07/01605/OUT – CROOK OF DEVON – Demolition of existing house and erection of 2 dwellinghouses (in outline) at Rainscourt, Crook Of Devon – Mr and Mrs J Wood – Report 07/812**

N Brian, Development Quality Manager, advised the Committee that the proposal had originally been for the erection of three dwellinghouses but was now for two dwellinghouses.

**Resolved:**

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

1. The following reserved matters, the siting, design, height 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 and flood risk 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. 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.
5. Two 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.
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. Notwithstanding the submitted details the development shall be restricted to a maximum of two dwellinghouses.
8. The two dwellinghouses shall be restricted to a maximum height of 1½ storeys with any upper floor accommodation being provided in the roof space through rooflights, dormers or gable windows.

Subject also to the following further conditions:

9. Prior to the commencement of the development details of the proposed boundary screening for the development shall be submitted and approved in writing by the Council as Planning Authority.
10. A detailed landscaping plan for the site shall be submitted to the Planning Authority for approval and implemented concurrently with the progress of development. This shall make provision for the retention of, and ongoing maintenance of, all existing trees.

**(3) 07/01079/FUL – PERTH – Demolition of existing buildings and erection of new building to form 8 flats, restaurant and public house at 10-12 South Methven Street, Perth – Zack Developments Ltd – Report 07/809**

Mr A Fleming, Principal Environmental Health Officer, Perth and Kinross Council, advised the Committee that, following recent discussion with his colleagues and the applicants, concern had been raised that the noise conditions contained within Report 07/809 were slightly contradictory. He advised that, should the application be

approved, noise conditions, formulated by the Environmental Health Manager, should be imposed.

Mr B Stanners, applicant and Mr R Lee and Mr M Hughes, on behalf of the applicant, addressed the Committee, and, following their representation, 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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. No development shall take place within 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 and agreed by Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
4. A sample of all the external finishing materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The external finishing materials as approved shall be implemented prior to the occupation and or use of the development.
5. All living and sleeping apartments facing north shall be fitted with high performance double glazing or secondary glazing likely to reduce internal noise levels to below 35dB(A), which is the night-time standard in PAN56.
6. The soundproofing of the commercial units of the application premises and the control of all amplified sound generated therein (including music, speech, electronic video games or other amusement machines) shall be such that no amplified sound is audible within neighbouring residential properties (including those contained within the application premises).
7. The hours of operation of the external terraces associated with the public house and restaurant shall be restricted to 08:00 hrs – 22:00 hrs.
8. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
9. All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart.

A Motion by Councillor W Wilson to grant the application in accordance with the conditions detailed in Report 07/809, failed to secure a seconder and the Motion accordingly fell.

- (4) **07/01487/OUT – AUCHTERARDER – Erection of 2 houses (in outline) at land between Upper Borland Park and Arndene, Gallowhill Road, Auchterarder – Mr J Miller – Report 07/810**

**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 access road to the development from its junction with Castleton Road carries an asserted right of way (Council ref. cc27/14). Public access must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the first house is occupied. Any temporary restrictions to public access needed to facilitate works on site must be agreed with the access officer in advance.
  5. The houses cannot be occupied until 1 November 2008 as the new Dunning Primary School is expected to be available for occupation in October 2008.
  6. The submission of reserved matters shall include a full and detailed specification showing the upgrading of the access track and details of agreement from any other owners of the access track or those with rights of access over it, to the satisfaction of the Council as Planning Authority. This specification shall include details of widening, passing places, a bitumenously bound surface and drainage. The scheme as approved shall be implemented prior to the occupation and / or use of the development.
  7. 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.
  8. Two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Council as Planning Authority prior to the occupation of the dwellinghouses.

Amendment (Councillors J Law and M Barnacle) – Refuse, on the grounds that the application:

1. is an isolated development;
2. jeopardises the village envelope;
3. may create a precedent; and
4. the proposed access is unsatisfactory.

Amendment – 2 votes

Motion – 10 votes

**Resolved:**

In accordance with the Motion.

- (5) **07/01505/FUL – ALYTH – Erection of 34 detached two storey dwellings and associated site works at land to the north of Strathmore Terrace, Alyth – Mansell Homes – Report 07/811**

N Brian, Development Quality Manager, advised the Committee that, although this was a large development, it does conform with the Local Plan. The principle of development was already established, and this is Phase Two.

In terms of Standing Order 53, Councillor D Melloy, one of the Elected Members representing Ward 2, addressed the Committee.

**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. 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.
4. 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.
5. Prior to any work starting on site, the developer shall submit an elevational detail of the 900mm high stone with piers and in addition this feature should be incorporated within private gardens and an amended plan should reflect this all to be agreed in writing to the satisfaction of the Council as Planning Authority.
6. 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.
7. 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.
8. Strathmore Terrace ex adverso the site boundary shall be widened to a minimum of 5.5m and its junction with Bamff Road realigned in accordance with the approved plans to the satisfaction of the Planning Authority.
9. The applicant shall provide a larger bus shelter at the main bus stop area in Market Square for the potential increase in bus passengers to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

**(6) 07/01768/FUL – BLAIRGOWRIE – Erection of 10 holiday lodges at the Altamount House Hotel, Coupar Angus Road, Blairgowrie – Cathy Kelly – Report 07/813**

Mr R Macintosh, on behalf of Altamount House Hotel, and Dr C H McCleery, 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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. No trees, with the exception of those indicated on 'PLAN TR1 –Trees to be Removed', shall be removed, unless otherwise agreed in writing by the Council as Planning Authority.
4. The existing boundary hedge along the entire south boundary of the site shall not be looped, felled or trimmed, unless otherwise agreed in writing by the Council as Planning Authority.
5. All trees which are to be retained must be adequately protected prior to the commencement of any works on site, and during the entire construction period, to the satisfaction of the Council as Planning Authority.

6. All the lodges have been approved as holiday accommodation only and shall not be occupied as the sole or main residence of any occupant, to the satisfaction of the Council as Planning Authority.
  7. Prior to the commencement of any works on site precise details of the finished floor levels of all the lodges shall be submitted for the approval in writing by the Council as Planning Authority.
  8. Prior to the commencement of any works on site precise details of the means of construction of the new access drive shall be submitted for the approval in writing by the Council as Planning Authority.
  9. The existing tree belt adjacent to the access drive shall be maintained for perpetuity, to the satisfaction of the Council as Planning Authority.
  10. Prior to the commencement of any works on site precise details of the boundary treatments between the lodges shall be submitted for the approval in writing by the Council as Planning Authority.
  11. Prior to the commencement of any works on site all external finishing materials must be agreed in writing with the Council as Planning Authority.
  12. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear, all to the satisfaction of the Council as Planning Authority.
  13. Prior to the commencement of any works on site a plan which indicates all the parking arrangements (a minimum of 1 No. car parking space per lodge) shall be submitted for the approval in writing by the Council as Planning Authority.
  14. 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 Council as 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 measure 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 Council as Planning Authority.
- Condition 15, as recommended, be amended to read as follows:
15. Prior to the commencement of any works on site a detailed planting and landscaping scheme shall be submitted for the approval in writing by the Council as Planning Authority. This shall include provision for the replacement and maintenance of any trees on the site to provide habitat for red and grey squirrels.
  16. Prior to the commencement of any works on site precise details of the means of surface water disposal shall be submitted for the approval in writing by the Council as Planning Authority.

COUNCILLOR A JACK LEFT THE MEETING AT THIS POINT.

- (7) 07/01940/FUL – ABERFELDY – Change of use from residential home to 4 residential units and erection of 4 dwellinghouses at Cruachan House Residential Home, Kenmore Street, Aberfeldy – Cox Developments– Report 07/814**

Mr D Gane, on behalf of the applicant, and Mr D Macniven, an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors K Lyall and W Wilson) – Refuse, on the grounds that the proposal is contrary to Policies 2 and 5 of the Highland Area Local Plan.**

Amendment (Councillors L Caddell and H McDonald) – Grant, subject to conditions contained in Report 07/814 with the removal of Condition 11.

Amendment – 2 votes

Motion – 9 votes

**Resolved:**

In accordance with the Motion.

**(8) 07/01952/FUL – PERTH – Demolition of existing dwellinghouse and subdivide existing plot and erect 2 new dwellinghouses at 129 Burghmuir Road, Perth – Mr James Mo – Report 07/815**

Mr M Matthew, on behalf of the applicant, and Mr M Tinson, an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Wilson and J Flynn) – Refuse, on the grounds that:**

- 1. the proposal constitutes overdevelopment of the site in relation to the size and scale of the proposed dwellinghouses; and**
- 2. the loss of amenity to neighbours and within the site.**

Amendment (Councillors L Caddell and E Grant) – Grant, subject to the conditions contained in Report 07/815.

Amendment – 4 votes

Motion – 7 votes

**Resolved:**

In accordance with the Motion.