

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 7 July 2010 at 9.30am.

Present: Councillors W Wilson, R Band, I Campbell, T Gray (substituting for Councillor K Lyall); G Hayton (substituting for Councillor L Caddell), A Jack, J Kellas, W Lumsden, M Lyle (excluding Art. 404(3)(i)), H McDonald, S Miller and A Wylie (substituting for Councillor E Grant).

In Attendance: Councillor C Shiers (Art. 404(2)(i) only); N Brian; A Condliffe, B McNaughton, T Maric, A Fleming and G Peebles (all the Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

401. DECLARATIONS OF INTEREST

Councillor M Lyle declared a financial interest in Art. 402(3)(i) in terms of the Councillors' Code of Conduct.

402. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 2 June 2010 (Arts. 321-324) was submitted, approved as a correct record and authorised for signature, subject to the following amendment at Article 324(2)(iii):

10/00367/FLL – KENMORE – Erection of 30 residential units (part modification of previous consent) at Mains of Taymouth, Kenmore

Condition 24 be amended to read as follows:

24. The applicant shall submit details of the management/factoring arrangements for the development, demonstrating how they will be tied to the existing Mains of Taymouth Complex management/factoring arrangements, for the approval of this Planning Authority prior to the occupation of any of the units and to demonstrate how the management/factoring arrangements for the development shall continue to be tied to the Mains of Taymouth Complex management/factoring arrangements, subject to the approval of the Planning Authority.

403. 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.
10/00214/FLL	404(1)(i)
09/01880/FLL	404(1)(ii)
09/01845/AML	404(1)(iii)
10/00166/FLL	404(1)(iv)

10/00215/FLL	404(1)(v)
10/00284/FLL	404(1)(vi)
10/00385/FLL	404(1)(vii)
10/00607/FLL	404(1)(x)
10/00688/FLL	404(1)(xi)
10/00685/LBC	404(1)(xii)

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

404. PLANNING APPLICATIONS FOR DETERMINATION

(1) Local Applications

(i) 10/00214/FLL – DRUNZIE – Erection of 8 dwellinghouses at land north west of Gwendoline Row, Drunzie, Glenfarg – Mr Mark Drysdale – Report 10/367

Mr K McFarlane, agent on behalf of the applicant, and Mrs C A Baillie and Mr J McKeen, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the basis that the layout, scale and height of the proposed houses would:

1. have an adverse impact on the amenity of the adjacent dwellings, and on the visual amenity.
2. be contrary to Policy 2, Development Criteria; Policy 5, Landscape; and Policy 94, Density, Character and Amenity of the Kinross Area Local Plan 2004.
3. be contrary to the criteria contained within the Scottish Government's publication entitled *Designing Streets*.

(ii) 09/01880/FLL – INCHTURE – Erection of a new farmhouse at Ballindean Farm, Ballindean – Mr Robert Morgan – Report 10/368

Mr I Cram, agent on behalf of the applicant, and Mr R Morgan, applicant, and Professor R Wolf, an objector on behalf of a number of residents of Ballindean, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and Condition 6 being amended to read as undernoted:

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 approved plans, 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. All existing hedges and trees shall be retained, unless otherwise agreed in writing by the Council as Planning Authority.
5. Prior to the commencement of any works on site, precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority.
6. The occupation of the dwellinghouse shall be restricted to a person or persons employed at Ballindean Farm by RD Morgan Farms, to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons not to support the application.

Procedural Notes

Confirmation of payment (or the conclusion of a legal agreement) must be completed prior to the issuing of any consent.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. 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.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(iii) 09/01845/AML – WEST KINFAUNS – Erection of 37 dwellinghouses (Approval of Matters Specified in Conditions) at Highland Distilleries, The Holdings, West Kinfauns – Ogilvie Homes Ltd and Highland Distillers Group Ltd– Report 10/369

Mr A Cruickshank, agent on behalf of the applicant, and Mr B Moyes, applicant, on behalf of Ogilvie Homes Ltd, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and B Band) – Refuse, on the basis that the four roadside units only are contrary to Policies 1 – General Landward in that they do not lead to a good landscape framework; and 71 – Village Uses in that they do not meet with the village character.

Amendment (Councillors J Kellas and C Gillies) – Grant, subject to the following conditions and the addition of Condition 13 as undernoted:

- 1. 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.**
- 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. Prior to the commencement of any works on site a detailed landscaping plan shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the first dwellinghouse, and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.**
- 4. Prior to the commencement of any works on site precise details of the Sustainable Urban Drainage System shall be submitted for the approval in writing by the Council as Planning Authority, in consultation with Scottish Water and Scottish Environment Protection Agency.**

5. Prior to the commencement of any works on site, precise details of the open space provision (including details of any equipment) shall be agreed in writing by the Council as Planning Authority and be in accordance with Council standards. In addition, all long term maintenance requirements must be agreed with the Council as Planning Authority, prior to any works commencing.
6. Prior to the commencement of any works on site, precise details of all on site bin storage areas shall be submitted for the approval in writing by the Council as Planning Authority.
7. Prior to the occupation of any dwelling, 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 Council as Planning Authority.
8. Prior to the occupation of any dwelling, the vehicular access shall be formed in accordance with specification Type D, Fig 5.7 access detail to the satisfaction of the Council as Planning Authority.
9. 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, to the satisfaction of the Council as Planning Authority.
10. No structures shall be erected within the visibility splays. Any planting within the visibility splays must be at low level, to the satisfaction of the Council as Planning Authority.
11. Prior to the commencement of any works on site precise details of all roof and external wall finishes (including timber features) shall be submitted for the approval in writing of the Council as Planning Authority.
12. Prior to the commencement of any works on site precise details of all boundary treatments shall be submitted for the approval in writing of the Council as Planning Authority.
13. A detailed scheme for storage of waste and recycling facilities shall be submitted for the further approval of the Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme.

Amendment – 8 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons not to support the application.

Procedural Notes

Consent should not be issued until such time as a financial payment has been secured and agreed for off-site recycling facilities.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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.
5. 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 and 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.
6. The applicant is advised that the Executive Director (Education and Children's Services) can give no guarantee that any school age children arising from this development application can be accommodated at Kinnoull Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.

(iv) 10/00166/FLL – BLAIRGOWRIE – Erection of a dwellinghouse and detached garage at site formerly occupied by ‘Leewood’, Golf Course Road, Blairgowrie – Mr Campbell Christie – Report 10/370

Mr G Darge, agent on behalf of the applicant, and Mr A Dunlop, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor C Shiers, one of the elected members representing Ward 3, addressed the Committee, and, following her representations, withdrew to the public benches.

Motion (Councillors W Wilson and H McDonald) – Refuse, on the grounds that the application is contrary to Policy 56 – General Residential – of the Eastern Area Local Plan 1998 in that it will adversely affect the character, density or amenity of the area concerned.

Amendment (Councillors J Kellas and T Gray) – Grant, subject to conditions contained in Report 10/370.

Amendment – 6 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

THE COMMITTEE UNANIMOUSLY AGREED TO CONSIDER APPLICATIONS 10/00215/FLL, 10/00284/FLL AND 10/00385/FLL TOGETHER.

(v) 10/00215/FLL – PITLOCHRY – Revised layout to Plots Nos. 13-15 at land adjacent to Atholl Road, Pitlochry – A and J Stephen Ltd – Report 10/371

Mr J Lochhead, on behalf of the applicant; Mr G Hunter, on behalf of objectors; and Mr J Pearson, on behalf of Pitlochry and Moulin Community Council, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the application is contrary to Policy 76(2)(c)-(f) of the Highland Area Local Plan in that it will adversely affect the density, character or amenity of the area concerned and there is a complete lack of justification for departure from the Development Plan.

Amendment (Councillors J Kellas and S Miller) – 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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. Prior to the commencement of development, details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.**

Amendment – 9 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

Justification

There is considered to be a suitable justification to depart from the Development Plan allocation of housing on this site due to the current housing market conditions, and the proposed increase in numbers complies with Local Plan Policies 2 and 76.

Procedural Notes

The applicant is required to pay a contribution of £52,250 towards affordable housing and £70,345 with regard to education. The applicant has indicated the intention to pay both upfront. No planning consent should be issued until the above contributions have been paid in full.

Informatives

- 1. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 2. 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 and 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.**

(vi) 10/00284/FLL – PITLOCHRY – Revised layout to Plots Nos. 3-4 at land adjacent to Atholl Road, Pitlochry – A and J Stephen Ltd – Report 10/372

Mr J Lochhead, on behalf of the applicant; Mr G Hunter, on behalf of objectors; and Mr J Pearson, on behalf of Pitlochry and

Moulin Community Council, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the application is contrary to Policy 76(2)(c)-(f) of the Highland Area Local Plan in that it will adversely affect the density, character or amenity of the area concerned and there is a complete lack of justification for departure from the Development Plan.

Amendment (Councillors J Kellas and S Miller) – 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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of development, details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.

Amendment – 9 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

Justification

There is considered to be a suitable justification to depart from the Development Plan allocation of housing on this site due to the current housing market conditions, and the proposed increase in numbers complies with Local Plan policies 2 and 76.

Procedural Notes

The applicant is required to pay a contribution of £52,250 towards affordable housing and £70,345 with regard to education. The applicant has indicated the intention to pay both upfront. No planning consent should be issued until the above contributions have been paid in full.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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 and 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.

(vii) 10/00385/FLL – PITLOCHRY – Revised layout to Plot Nos. 1-2 at land adjacent to Atholl Road, Pitlochry – A and J Stephen Ltd – Report 10/373

Mr J Lochhead, on behalf of the applicant; Mr G Hunter, on behalf of objectors; and Mr J Pearson, on behalf of Pitlochry and Moulin Community Council, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the application is contrary to Policy 76(2)(c)-(f) of the Highland Area Local Plan in that it will adversely affect the density, character or amenity of the area concerned and there is a complete lack of justification for departure from the Development Plan.

Amendment (Councillors J Kellas and S Miller) – 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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. Prior to the commencement of development, details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.**

Amendment – 9 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

Justification

There is considered to be a suitable justification to depart from the Development Plan allocation of housing on this site due to the current housing market conditions, and the proposed increase in numbers complies with Local Plan Policies 2 and 76.

Procedural Notes

The applicant is required to pay a contribution of £52,250 towards affordable housing and £70,345 with regard to education. The applicant has indicated the intention to pay both

upfront. No planning consent should be issued until the above contributions have been paid in full.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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 and 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.

FOLLOWING ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

COUNCILLOR A JACK LEFT THE MEETING AT THIS POINT.

THE COMMITTEE UNANIMOUSLY AGREED TO CONSIDER APPLICATIONS 10/00392/FLL AND 10/00393/FLL TOGETHER.

- (viii) **10/00392/FLL – CROFTINLOAN – Construction of a biodisc, sand filter and soakaway, land at former Croftinloan School, Croftinloan – Langvale Homes Ltd – Report 10/374**

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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All plant, machinery and equipment associated with the operation of the biodisc, sand filter and soakaway shall be so enclosed, attenuated and/or mitigated such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 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.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for the guidance of the applicant. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(ix) 10/00393/FLL – CROFTINLOAN – Construction of 2 biodiscs, 2 sand filters and soakaways, land at former Croftinloan School, Croftinloan – Langvale Homes Ltd – Report 10/375

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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All plant, machinery and equipment associated with the operation of the biodisc, sand filter and soakaway shall be so enclosed, attenuated and/or mitigated such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 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.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for the guidance of the applicant. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(x) 10/00607/FLL – BIRNAM – Widening and retention of side slopes, lowering and widening of A822 at Ladywell and landscaping measures at sites along the A822 at Inver, Birnam – Griffin Wind Farm Limited – Report 10/376

Mr D Finnon and Mr D McCallum, on behalf of the applicants; Mr I Kelly and Mr J Bryce, on behalf of objectors to the applicant; and Ms J Wilson, on behalf of Kenmore and District Community Council, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and J Kellas) – Grant, subject to the following conditions:

- 1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 2. The development shall be begun within a period of three years from the date of this consent.**
- 3. Prior to the commencement of any works on site, precise details of the new roadside revetments shall be submitted for the approval in writing by the Council as Planning Authority.**
- 4. Prior to the public use of the road, all matters regarding the 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 Council as Planning Authority.**
- 5. Prior to the commencement of any works on site, a Construction Method Statement (CMS) shall be submitted for the approval in writing of the Council as Planning Authority which identifies measures to prevent harmful materials potentially entering the River Tay (Dunkeld) Special Area of Conservation, which could reduce water quality and have a detrimental impact upon the salmon and lamprey interests. The CMS should include the following:**
 - a) pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;**
 - b) storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods;**
 - c) construction site facilities, including extent and location of construction site huts, vehicles, equipment, and materials compound;**
 - d) timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.**
- 6. Prior to the commencement of any works on site a detailed landscaping scheme (including timescales for implementation) shall be submitted for the approval in writing of the Council as Planning Authority. The approved scheme shall be implemented in full within the agreed timescale, to the satisfaction of the Council as Planning Authority.**
- 7. Prior to the commencement of any works on site a detailed tree survey shall be submitted to the Council as Planning Authority, which clearly identifies all proposed tree removals to the satisfaction of the Council as Planning Authority.**

8. All trees which are to be removed must be checked for red squirrel dreys (by a suitably qualified consultant) in the week prior to the felling, and the Council as Planning Authority notified in writing that this has been undertaken.
9. Prior to the commencement of any works on site, a further bat survey shall take place and copies of that survey forwarded to the Council as Planning Authority and to Scottish Natural Heritage.

Amendment: (Councillors A Wylie and S Miller) – Defer, on the grounds that there is insufficient information with regard to the impact on the local communities and the requirement for a Road Traffic Assessment to be carried out.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons not to support the application.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.

THE COMMITTEE UNANIMOUSLY AGREED TO CONSIDER PLANNING APPLICATION 10/00688/FLL PRIOR TO 10/00685/LBC.

(xi) 10/00688/FLL – LUNCARTY – Alterations and extension to care home at Luncarty House, Sandeman Place, Luncarty – Balhousie Care Group – Report 10/378

Mr R Paul, agent on behalf of the applicant, Mr Travelli, Care Home Manager, on behalf of the applicant, and Mr A Scott, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and H McDonald) – Grant, subject to the applicants providing an appropriate smoking area for staff and also 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 approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. No consent is given for the proposed solar panels. Prior to the commencement of development revised plans shall be submitted to the Planning Authority deleting this element of the scheme. After receiving written approval the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.**
- 4. Samples of the proposed external finishing materials to be used for the extension shall be submitted for the written approval of the Planning Authority prior to the commencement of the development. Thereafter the scheme as approved shall be implemented prior to the occupation of the building.**
- 5. Prior to the commencement of development details of soft and hard landscape works for the site shall be submitted to and approved in writing by the Planning Authority. This shall include planting plans detailing retained planting and new planting to replace the tree no 1995 which has been felled. Details of plants, noting species, plant sizes and proposed numbers/densities where appropriate should be included, as well as details of hard surfacing materials. Thereafter the approved scheme shall be implemented prior to the development being**

occupied. Any trees which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species unless the local Planning Authority gives written consent to any variation.

6. Prior to the commencement of development a detailed specification of works to be undertaken within the root protection area shall be submitted for approval of the Planning Authority. Details shall clearly show how the works undertaken will comply with BS5837 (2005). Thereafter the specification of works shall be undertaken in accordance with the approved detail all to the reasonable satisfaction of the Planning Authority.
7. That for the avoidance of any doubt the safer routes to school footpath located to the west of the site shall not be obstructed during site construction works or on completion, all to the reasonable satisfaction of the Planning Authority.

Amendment (Councillors J Kellas and A Wylie) – Refuse, on the grounds that the application is contrary to Policies 8 – Environment and Resources; 9 – Sustainable Communities; and 71 – General Residential and Background of the Perth Area Local Plan 1995 incorporating Alteration No.1 Housing Land 2000.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

Justification

It is considered the proposal complies with the adopted Perth Area Local Plan 1995, in particular Policies 71 and 77. There are no material considerations which would justify refusing the application.

Procedural Note

The property is listed Category C(s), Item No 28, Redgorton Parish. It is therefore not necessary to submit the application to Historic Scotland.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person

undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No development shall commence until such time as Listed Building Consent has been granted for these works.

(xii) 10/00685/LBC – LUNCARTY – Alterations and extension to care home at Luncarty House, Sandeman Place, Luncarty – Balhousie Care Group – Report 10/377

Mr R Paul, agent on behalf of the applicant, Mr Travelli, Care Home Manager, on behalf of the applicant, and Mr A Scott, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and H McDonald) – Grant, subject to the applicants providing an appropriate smoking area for staff and also 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 approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Precautions shall be taken to secure and protect the interior features of Luncarty House against accidental loss or damage, or theft, during the building work. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council. Particular regard should be given to the existing chimneypieces, door sets and ornamental mouldings.
4. All new partitions shall be scribed around the existing ornamental mouldings all to the reasonable satisfaction of the Planning Authority.
5. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the

methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

6. **Samples of the proposed external finishing materials to be used shall be submitted for the written approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation of the building.**
7. **No consent is given for the proposed solar panels. Prior to the commencement of development revised plans shall be submitted to the Planning Authority deleting this element of the scheme. After receiving written approval the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.**

Amendment (Councillors J Kellas and A Wylie) – Refuse, on the grounds that the application is contrary to Policies 8 – Environment and Resources; 9 – Sustainable Communities; and 71 – General Residential and Background of the Perth Area Local Plan 1995 incorporating Alteration No.1 Housing Land 2000.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

Justification

It is considered the proposal complies with the adopted Perth Area Local Plan 1995, in particular Policy 77. There are no material considerations which would justify refusing the application.

Procedural Note

The property is listed Category C(s), Item No 28, Redgorton Parish. It is therefore not necessary to submit the application to Historic Scotland.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would

constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No development shall commence until such time as Planning Consent has been granted for these works.

(2) Applications with Council Interest

(i) 10/00155/FLL – BLAIRGOWRIE – Change of use from former car repair workshop to garden/seating area at land 40 metres east of 7 Croft Lane, Blairgowrie – Take a Pride in Perthshire – Report 10/379

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 approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. The existing Elm tree shall be retained, and adequately protected during the course of construction to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on site precise details of all internal seating, tables and pergolas shall be submitted for the approval in writing by the Council as Planning Authority.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is

obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(ii) 10/00534/FLL – CRIEFF – Change of use from public to private ground, 11 Cameron Place, Crieff – Mr and Mrs T Handy – Report 10/380

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 approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The relocated boundary fence shall not exceed 1.8 metres in height and any alterations or additions to the boundary fencing shall require to be forwarded for the prior approval in writing of the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(iii) 10/00618/FLL – PERTH – Change of use from general industry to storage and distribution, Unit 1, Arran Road, North Muirton Industrial Estate, Perth – Hermes Parcelnet Ltd – Report 10/381

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 carried out in accordance with the approved plans unless otherwise provided for by conditions attached to this consent.
3. Prior to the commencement of the use, provision shall be made for a minimum of twenty six parking spaces within the site, to the satisfaction of the Planning Authority.
4. Prior to the commencement of the use, adequate turning facilities shall be provided within the site to cater for all vehicles calling at the premises, to the satisfaction of the Planning Authority.
5. The use of the premises shall fall within Class 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 i.e. Storage or Distribution.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(iv) 10/00625/FLL – KETTINS – Change of use of open space to car park at land at School Park, Kettins – Perth and Kinross Council – Report 10/382

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 approved plans unless otherwise provided for by conditions imposed on the planning consent.

3. 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 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.
4. Prior to the commencement of works on site, the applicant shall provide details (including sample), of the proposed adjoining fence, to be submitted in writing for the attention of the Council as Planning Authority.
5. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Council as Planning Authority, prior to the commencement of the development and development shall not commence prior to the approval of that scheme. 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 thirty days of completion; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

- (v) **10/00716/FLL – AUCHTERARDER – Extension for further period for monthly farmers market at the bus park at The Community School of Auchterarder, New School Lane, Auchterarder – Audrey Fenton Events Ltd – Report 10/383**

Resolved:

Grant, subject to the following conditions:

1. The farmers market be operated for a limited period of five years from the date of the issue of the notice giving effect to this decision notice, with only one farmers market occurring/operating in any one given month on a Saturday only.
2. The hours of operation associated with the farmers market, including the assembly and dismantling of stalls, will be limited to 07.00 until 19.00 unless otherwise agreed in writing with the Planning Authority.
3. The stalls shall be limited to a maximum of twenty five and will be located within the site boundary.

Justification

It is considered the proposal complies with the adopted Strathearn Area Local Plan 2001, in particular Policies 29, 39 and 58. There are no material considerations which would justify refusing the application.

COUNCILLOR M LYLE, HAVING DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION THEREOF.

(3) Application by Councillor

- (i) **10/00397/FLL – CROMLIX – Erection of 2 wind turbines at land at Mid Cambushinnie Farm, Cromlix – Mr Murray Lyle – Report 10/384**

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 approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. The exterior finish/colouring of the wind turbines and associated equipment shall be investigated and a sample with paint code (preferably dark green) shall be submitted to and approved by the local Planning Authority.

- Thereafter the approved scheme will be implemented prior to the wind turbines becoming operational.
4. Noise arising from the wind turbines shall not exceed an L A90, 10min of 35 dB at the nearest noise sensitive premises. The foregoing condition shall apply at wind speeds not exceeding 10 metres/second, as measured at a height of 10 metres above the wind turbine site.
 5. In the event of audible tones being generated by any wind turbine, a 5 dB (A) penalty for tonal noise shall be added to measured noise levels.
 6. Any measurements and assessments of noise from the wind turbines shall be carried out in accordance with ETSU report for the DTI – *The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)*.
 7. The applicant shall, upon written request and unless otherwise agreed in writing with the Planning Authority, carry out measurements and assessments of noise from the wind turbines in accordance with ETSU report for the DTI – *The Assessment and Rating of Noise From Wind Farms (ETSU-R-97)* to the satisfaction of the Planning Authority and make all related data available to the Planning Authority.
 8. In the event that the wind turbines affect radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbines shall be disconnected until the problem has been investigated and resolved.
 9. Within six months of the wind turbines being decommissioned the owner shall remove the turbines, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Planning Authority.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for the guidance of the applicant. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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