

# DEVELOPMENT CONTROL COMMITTEE

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

Present: Councillors W Wilson, K Lyall, R Band, L Caddell, I Campbell, C Gillies, E Grant, A Jack, J Kellas, W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: Councillors B Vaughan (up to and including Art. 324(2)(iii)) and T Gray; N Brian; A Condliffe, A Fleming, B McNaughton and K Stirton (up to and including Art. 324(2)(ii)) (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

## 321. DECLARATIONS OF INTEREST

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

## 322. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 12 May 2010 (Arts. 266-270) was submitted, approved as a correct record and authorised for signature.

## 323. DEPUTATIONS

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

Planning Application No.	Article No.
10/00088/FLL	322(2)(i)
10/00219/FLL	322(2)(ii)
10/00367/FLL	322(2)(iii)

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

## 324. PLANNING APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **08/02368/FLM – FOSSOWAY – Change of agricultural use to form paddock and training track for race horses on land at Middleton Stables, Fossoway – Samantha Penman – Report 10/282**

#### **Resolved:**

**Grant**, subject to an additional informative and 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. That, within two months of the approval of this application, a detailed landscaping and planting plan shall be submitted and approved in writing by the Council as Planning Authority. These details shall include the location of new trees, shrubs and hedges to mitigate the visual impact along the boundaries of the site which adjoin the A91 and U222 Public Roads. The scheme shall include a schedule of plants to compromise species, plant sizes and proposed numbers and density.
4. Thereafter the approved scheme shall be implemented all to the reasonable satisfaction of the Planning Authority within two months of approval unless otherwise agreed in writing.
5. Any planting which, within a period of five years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.
6. This application gives permission for a training track and paddock area which shall only be used in connection with horses stabled on the site and in connection with the approved use of application 08/02312/MOD.
7. Notwithstanding the provisions of Classes 7 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any other order amending, revoking or re-enacting that order no fences, gates, walls or other means of enclosure shall be erected within the application site as defined in Dwg No: 020-B, Date: Dec 08 without the prior written consent of the Council as Planning Authority.
8. Notwithstanding the provisions of Classes 14 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any other Order amending, revoking or re-enacting that Order, no mobile or temporary structures, buildings or chattels in connection with the equestrian use shall be placed on the application site as defined in Dwg No: 020-B, Date: Dec 08 without the prior written consent of the Council as Planning Authority.
9. The development shall not be floodlit unless details are submitted to and approved in writing by the Council as Planning Authority.

### **Justification**

It is considered the change of use to provide paddock and training track for race horses is justified and complies with the provisions of the Development Plan. Taking this into account the proposal is approved as there are no material considerations that would justify refusing 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 should be aware that the curved section of track to the western end of the site is unauthorised and should be removed within 2 months of the date of this consent and the ground fully reinstated to its former condition.

## **(2) Local Applications**

### **(i) 10/00088/FLL – COMRIE – Demolition of dwellinghouse and erection of replacement dwellinghouse at Duncryne, Camp Road, Comrie – Mr Jason Rose – Report 10/283**

Mr J Rose, applicant, and Mr S Alexander, on behalf of the objectors, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and E Grant) – Grant, subject to conditions contained in Report 10/283.

### **Amendment (Councillors M Lyle and H McDonald) – Refuse, on the grounds that:**

- (i) The development is contrary to Policy 2 of the Strathearn Local Plan 2001 in respect of the built form in terms of its massing and scale.**
- (ii) The development is contrary to Policy 5 of the Strathearn Local Plan 2001 in that the development does not fit the location due to its scale and massing.**
- (iii) The development is contrary to Policy 74 of the Strathearn Local Plan 2001 due to the impact that the**

**development would have on residential amenity due to its massing and scale.**

Amendment – 7 votes

Motion – 6 votes

**Resolved:**

In accordance with the Amendment.

- (ii) **10/00219/FLL – PITLOCHRY – Erection of storage shed for forestry equipment, change of use of land to forestry business yard and alterations to access, Morven, Kindallachan, Pitlochry – Mr William Laing – Report 10/284**

Mr C Young, agent on behalf of the applicant, and Mr W Laing, applicant, followed by Mr I Wisely, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor B Vaughan, one of the Elected Members representing Ward 5, addressed the Committee, and, following her representation, withdrew to the public benches.

**Motion (Councillors W Wilson and K Lyall) – Grant, subject to the following conditions, and Conditions 9 and 10 being amended to read as follows:**

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 development hereby approved being brought into use, the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.**
4. **Prior to the development hereby approved being brought into use, the gradient of the access shall not exceed 3% for the first 5.00 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 road.**
5. **Prior to the development hereby approved being brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. The turning facilities shall be maintained and kept clear of obstruction at all times.**
6. **Prior to the development hereby approved being brought into use a minimum of two car parking spaces shall be provided within the site. The car**

- parking shall be maintained and kept clear of obstruction at all times.
7. The building hereby approved shall be used solely for the purposes of the storage of forestry equipment and machinery and no maintenance, repairs or operation of such is permitted.
  8. Vehicular access and/or egress to/from the storage shed/site shall not take place outwith 0700 hours to 1900 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays with no vehicular access on Sundays, unless with the prior written agreement of the Council as Planning Authority.
  9. The yard area shall not be used for the storage of timber, other associated materials nor equipment and machinery and shall be maintained in a neat and tidy condition to the satisfaction of the Planning Authority.
  10. Prior to the commencement of works associated with the erection of the building hereby approved, a detailed landscaping scheme including mature and semi-mature planting shall be submitted for the further approval of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented as part of the permission, 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.

#### **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.

3. **No work shall be commenced on the building until an application for building warrant has been submitted and approved.**
4. **A further application for planning permission would be required to be granted prior to the installation of any external lighting on the application site.**

Amendment (Councillors J Kellas and A Jack) – Refuse, on the grounds that the proposal is contrary to the adopted Highland Area Local Plan 2000 as follows:

- (i) Policy 2 in respect of landscape setting; and
- (ii) Policy 99, character and amenity of the settlement.

Amendment – 2 votes

Motion – 11 votes

**Resolved:**

In accordance with the Motion.

K STIRTON LEFT THE MEETING AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (iii) **10/00367/FLL – KENMORE – Erection of 30 residential units (part modification of previous consent) at Mains of Taymouth, Kenmore – Mr Robin Menzies – Report 10/285**

R Menzies, applicant, addressed the Committee, and, following his representations, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the conditions applied to planning application 07/01739/FUL with the exception of Condition 23 (Holiday Occupancy) but also subject to additional condition 24:

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 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.
4. The slope of the excavated ground on the south of the boundary wall off the U177 Drummond Hill road adjacent to Units 54 to 57 shall not exceed 1 in 3 and be seeded or planted to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
5. Any existing road drainage offlets from the U177 Drummond Hill Road discharging to the site shall be

incorporated into the new site drainage arrangements to the requirements of the Council as Roads Authority and to the satisfaction of the Planning Authority.

6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
7. A minimum of one car parking space per 1 and 2 bed dwellings and a minimum of two spaces per 3 and 4 bed dwellings shall be provided within the site.
8. A minimum of 60 car parking spaces for the golf / leisure complex shall be provided within the site.
9. A secure waterproof cycle parking facility for a minimum of 15 cycles, to cater for the leisure complex, shall be provided within the site to the satisfaction of the Planning Authority.
10. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
11. Full details of the sewage treatment facilities shall be submitted for the further approval of the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH). The details shall include the location of the treatment plants and soakaways, the capacity of the treatment plants in relation to the maximum number of people using the site, the operation of the treatment plants including details of desludging procedures, and the level of phosphorus discharge to the soakaways and how the developer intends to maintain the water quality of the River Tay Special Area of Conservation (SAC). All details shall be agreed by the Planning Authority and fully implemented to the satisfaction of the Planning Authority in consultation with SNH and SEPA prior to the occupation of any of the units.
12. The proposed core path shown in GREEN on the approved plan 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 unit is occupied/let.
13. The leisure facilities building approved under Consent Ref. 07/01739/FUL shall be fully completed, operational

and open prior to the occupation or completion, whichever is the earliest, of 60% of the holiday units approved under Consent Ref. 07/01739/FUL and shall be similarly maintained thereafter to the satisfaction of the Council as Planning Authority.

14. Details of all lighting for the development shall be submitted and agreed in writing by the Council as Planning Authority prior to the occupation of any unit.
15. Any new signage for the development shall be the subject of a formal application for advertisement consent to the satisfaction of the Council as Planning Authority.
16. Prior to the commencement of construction, a full detailed construction method statement shall be submitted and agreed in writing by the Council as Planning Authority.  
The details shall include:
  - **Pollution prevention safeguards**, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
  - **Storage and disposal of materials**, including the siting of stock piles, use of buffer strips and disposal methods.
  - **Construction site facilities**, including extent and location of construction site huts, vehicles, equipment and materials compound.
  - **Timing, duration and phasing of construction**, particularly in relation to salmon and lamprey migration/spawning.
17. Details of the construction work associated with the installation of underground cables and pipelines and details of any overhead lines shall be submitted and agreed in writing by the Council as Planning Authority prior to the commencement of these works.
18. All construction practice in relation to trees, including adoption of rigorous tree protection proposals shall be in accordance with BS 5837.
19. Additional planting shall be incorporated into the development, particularly to the north and east of units 54, 55, 56, 57 and 58 adjacent to the public road, to augment the existing planting. Landscape details shall include drawings and method statements for planting proposals for each of the individual development locations, details of any tree removal, new planting and long-term management of trees. A considerable amount of new planting is likely to be necessary to achieve successful landscape integration of the new development. Details of the new planting shall be submitted and agreed in writing by the Council as Planning Authority prior to the commencement of development.

20. The detailed landscaping and planting scheme for the site which is approved under Condition 19 shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
21. 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.
22. Details for the fencing and boundary enclosures for the whole development shall be submitted and agreed in writing by the Council as Planning Authority prior to the completion of the development.
23. Development shall not begin until a contamination 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 type(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 decontamination measures.
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 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. *(As amended at the meeting of the Development Control Committee on 7 July 2010)*

### **Justification**

The proposal is justified as a departure from the Highland Area Local Plan on the basis of:

- (1) Scottish Planning Policy, paragraphs 45-48 including responding to needs, taking a flexible approach to changing circumstances, and supporting economic development.
- (2) The proposal does not set a precedent due to the specific needs and requirements for a long-established business.

### **Procedural Notes**

1. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application.

### **(3) Applications with Council Interest**

- (i) 10/00637/FLL – PERTH – Formation of vehicular access, 225 Tweedsmuir Road, Perth – Perth and Kinross Council– Report 10/286**

#### **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. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with the Council's Roads Development Guide Type A Figure 5.5 access detail to the satisfaction of the Council as Planning Authority.

#### **Justification**

The development is considered to be in accordance with the Development Plan and there are no reasons to justify a refusal in this instance.

#### **Informatives**

1. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. 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.

**(ii) 09/01463/LBC – DUNKELD – Installation of a commemorative plaque at Dunkeld Bridge, over River Tay, Dunkeld – Perth and Kinross Council– Report 10/287**

**Resolved:**

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

1. The development hereby permitted shall be begun before the expiration 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 method of attachment to the parapet will be as detailed in the note on the approved plan 09/01463/4.

**Justification**

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

**Procedural Note**

The application is required to be referred to Historic Scotland prior to any consent being issued.

