

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 11 August 2010 at 9.30am.

Present: Councillors W Wilson, R Band, L Caddell (except Art. 430(2)(ii) and (iii)), I Campbell, C Gillies, E Grant, T Gray (substituting for Councillor K Lyall), A Jack, J Kellas, W Lumsden, H McDonald and S Miller.

In Attendance: N Brian; A Condliffe, J Thomson, T Maric, K Stirton and A Fleming (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillor K Lyall and M Lyle.

Councillor W Wilson, Convener, Presiding.

427. DECLARATIONS OF INTEREST

Councillor L Caddell declared a non-financial interest in Arts. 430(2)(ii) and (iii) in terms of the Councillors' Code of Conduct.

428. MINUTE OF PREVIOUS MEETING

In terms of Standing Order 29, Councillor I Campbell moved a Motion that the minute of meeting of the Development Control Committee of 7 July 2010 was not competent. Upon failing to find a seconder the Motion fell.

The minute of meeting of the Development Control Committee of 7 July 2010 (Arts. 401-404) was submitted, approved as a correct record and authorised for signature, subject to it being noted that, under Arts. 404(1)(v), (vi) and (vii), Mr J Pearson, appeared on behalf of Pitlochry and Moulin Community Council and Pitlochry Civic Trust, objectors to the application.

429. 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.
07/01988/FLL	430(2)(i)
09/02198/FLL	430(2)(iv)
10/00698/IPL	430(2)(v)

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

430. PLANNING APPLICATIONS FOR DETERMINATION

(1) Planning Applications Previously Considered

- (i) **08/01561/FLL – BLAIRINGONE – Formation of an equestrian centre including utility shed, indoor riding school, stables, erection of 4 chalets/cottages and 7 dwellinghouses all with associated car parking at Easter Muirhead Farm, Blairingone – Mr Ron Brady – Report 10/403**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme, as approved, shall be implemented prior to the occupation and/or use of the development.
4. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/ use and such scheme as may be approved shall be completed prior to the occupation of the development.
5. The proposed chalets/cottages shall be used solely for visitor/holiday accommodation only and shall not be occupied as the sole or main residence of the occupant.
6. The occupation of the two tied managers' houses shall be limited to a person employed or last employed in agricultural/equestrian work at Easter Muirhead or a dependent of such a person residing with him or her (but including a widow or widower of such a person).
7. Prior to the commencement of development a detailed documented foul drainage plan shall be submitted for the approval of the Planning Authority in consultation with SEPA.
8. The development shall be carried out in accordance with the phasing plan approved as part of this consent to the satisfaction of the Planning Authority.
9. The recommendations of the Landscape Statement by David Wilson Associates, dated July 2008, shall be fully implemented to the satisfaction of the Planning Authority.
10. Prior to the occupation or use of the approved development the vehicular accesses to the equestrian centre shall be formed in accordance with specification

Type E, Fig 5.8 access detail to the satisfaction of the Planning Authority.

11. The gradient of the accesses referred to in Condition 10 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.
12. Prior to the occupation or use of the approved development the U213 public road *ex adverso* the south boundary of the site shall be widened to a minimum of 5.00 metres.
13. Prior to the occupation or use of the approved dwellinghouses the vehicular accesses to these dwellinghouses shall be formed in accordance with the Council's Roads Development Guide Type B Figure 5.6 access detail to the satisfaction of the Council as Planning Authority.
14. The gradient of the accesses referred to in Condition 13 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 highway.
15. Prior to the occupation of the development passing places shall be provided on the U213 at locations to be agreed by, and constructed to, the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
16. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
17. Adequate off-street parking spaces shall be provided within the site prior to the occupation or use of the approved development. Details of the proposed car parking layout shall be submitted for the approval of the Council, as Planning Authority within one month of the date of this consent or as may otherwise be agreed in writing with the Planning Authority.

Justification

The proposed revision to the Section 75 Legal Agreement, to exclude the existing cottages, is considered to be in accordance with the Development Plan and there are no overriding reasons for the revision to be opposed.

Procedural Notes

Contributions are required for affordable housing and upgrading the local path network. Consent shall not be issued until these are paid or a Section 75 Legal Agreement is completed to deal with these payments.

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.
3. 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.
4. 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.

(2) Local Applications

- (i) **07/01988/FLL – ERROL – Demolition of existing shed, conversion of existing steading into 3 residential units and construction of a further 5 residential units at Myreside Farm, Errol – Caledonian Trust Plc – Report 10/404**

N Brian, Development Quality Manager, advised the Committee that should it be minded to approve the application, Condition 5 on Page 62 of the Agenda should be amended to refer to "dwellinghouses".

Mr I Gaul, agent on behalf of the applicant, and Mr D Allan and Ms M Webb, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the grounds that the application is contrary to:

1. the Perth and Kinross Structure Plan 2003 Environment and Resources Policy 8 in that it will not enhance the surrounding area.
2. the Perth Area Local Plan 1995, Policy 32 and the Housing in the Countryside Policy 2005 in that the proposal insofar as relating to the agricultural shed does not meet the categories for housing in the countryside.

3. the Perth Area Local Plan 1995, Policy 1, in that the landscape framework is not suitable.

Councillor W Wilson moved a Motion that the application be granted, subject to the amendment to Condition 6 previously mentioned and an amendment to Condition 18 requiring the two car parking spaces to be permeable.

Upon failing to find a seconder, the Motion fell.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

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

- (ii) **09/01172/FLL – DUNNING - Extension to care home at Kippen House Private Nursing Home, Dunning – Guardian Care (UK) Ltd – Report 10/405**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.
4. A detailed landscaping, planting and woodland management scheme for the site 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. 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 a plan for the continued maintenance of the existing woodland within the site. The scheme as subsequently approved shall be carried out and completed within six months of the occupation of the house unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
5. 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.

6. Prior to the occupation or use of the approved development the B934 public road *ex adverso* the site boundary of the site shall be widened to a minimum of 5.00 metres to the satisfaction of the Council as Roads 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.

Procedural Notes

The property is listed Category B, Item 109; Dunning Parish. It is therefore necessary to submit the application to Historic Scotland for ratification of the Council's decision.

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

- (iii) **09/01373/LBC – DUNNING - Extension to care home at Kippen House Private Nursing Home, Dunning – Guardian Care (UK) Ltd – Report 10/406**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.

2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Justification

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

Procedural Notes

The property is listed Category B, Item 109; Dunning Parish. It is therefore necessary to submit the application to Historic Scotland for ratification of the Council's decision.

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

COUNCILLOR L CADDELL RE-ENTERED THE MEETING AT THIS POINT.

(iv) 09/02198/FLL – POWMILL - Erection of 3 x 15kw Wind Turbines at Barnhill Farm, Barnhill Estates, Powmill – Messrs Barnhill Estates – Report 10/407

Ms J Pye, on behalf of various objectors to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and an additional condition that the turbines be green in colour:

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 commencement of work on site the applicant shall agree in writing with the Planning Authority the colour of the wind turbines. Thereafter the approved scheme will be implemented prior to the wind turbines becoming operational.
4. 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.
5. Noise arising from the wind turbines shall not exceed an L_{A90, 10 min} 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 ground at the wind turbine site.
In the event of audible tones being generated by any wind turbine, a 5dB(A) penalty for tonal noise shall be added to measured noise levels.
Any measurements and assessments of noise from the wind turbines shall be carried in accordance with ETSU report for the DTI - *The Assessment and Rating of Noise from Wind Farms* (ETSU-R-97).
6. 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.

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.

(v) 10/00698/IPL – DONAVOURD - Residential development (in principle) at Land to the North East of Caitlan, Donavourd – Mr Maxwell J Geldart – Report 10/408

Mr J Pearson, objector on behalf of Pitlochry and Moulin Community Council and Pitlochry Civic Trust, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and the addition of Informative 5.

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority:
 - the siting, design and external appearance of the development
 - the landscaping of the site
 - a comprehensive full tree survey
 - all means of enclosure
 - the car parking and means of access to the site
 - a protected species survey for bats, squirrels and birds including details of habitat and mitigation measures
 - full details of the foul and surface water drainage

3. The submission of detailed landscaping proposals referred to in Condition 2 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. 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.
4. The submission of a comprehensive tree survey referred to in Condition 2 shall include details of all trees to be retained and removed and reasons for any tree removal. The survey shall also identify root protection areas of all trees to be retained on site all to the satisfaction of the Planning Authority.
5. The indicative site layout and number of units on drawing ref 10/00698/2 is not approved and the density should reflect the character of the surrounding area.
6. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.
7. The submission of car parking and means of access referred to in Condition 2 shall include details of the vehicular access to be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
8. The submission of car parking and means of access referred to in Condition 2 shall include details of the U165 public road over a length of 10.00 metres immediately adjacent to the access being widened to a minimum of 5.00 metres.
9. The submission of car parking and means of access referred to in Condition 2 shall include details of visibility splays of 2.50 metres x 60.00 metres measured from the centre line of the new access to be provided in both directions along the nearside channel of the U165 public road and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level. This should also include details of the removal and/or re-siting of the existing mature hedge and any replacement along the U165 public road boundary of the site.

10. The submission of car parking and means of access referred to in Condition 2 shall include details of turning facilities to be provided within the site to enable all vehicles to enter and leave in a forward gear.
11. The submission of car parking and means of access referred to in Condition 2 shall include details of a minimum of two car parking spaces per dwelling to be provided within the site.
12. The submission of car parking and means of access referred to in Condition 2 shall include details of 'Pick up and drop off' areas for school children / bus passengers to be provided on both sides of the U165 public road adjacent to the access to the development. The areas shall be a minimum of 6 metres long by nominally 1.8 metre wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
13. The submission of car parking and means of access referred to in Condition 2 shall include details of storm water drainage from all paved surfaces, including the access, and details of disposal by a suitable sustainable urban drainage system to meet the requirements of best management practices.

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. 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 there may be bats or bat roosts on the site. If this is the case a licence must be obtained from the Scottish Executive Environment and Rural Affairs Department (SEERAD). The Wildlife and Countryside Act 1981 provides special protection for all species of bat. Bats are further protected under Regulation 39(1) of the Conservation (Natural Habitats-& etc.) Regulations 1994. This means it is illegal to deliberately kill bats or to deliberately damage or destroy bat roosts or disturb bats in their roosts. As a result if there is any knowledge of bats at the site it is advised that

- a bat survey be undertaken by a suitably qualified consultant to ascertain if a license is required.
4. There may be red squirrels within the vicinity of the application site. Under The Wildlife and Countryside Act 1981, Schedule 5 (as amended by the Nature Conservation (Scotland) Act 2004), it is now an offence to intentionally or recklessly kill, injure or take (capture) a Red Squirrel, to damage, destroy or obstruct access to any structure or place which a Red Squirrel uses for shelter or protection or to disturb a Red Squirrel while it is occupying a structure or place which it uses for that purpose.
 5. The applicant is instructed to enter into detailed discussions with the Roads Authority on road improvements.

(3) Applications with Council Interest

- (i) 10/00456/FLL – BLAIRGOWRIE - Erection of 2 industrial buildings sub-divided into 18 units and formation of associated parking on Land 70 Metres South East Of Forest and Field Engineering, Welton Road, Blairgowrie – Thermafloor Retirement Benefit Scheme – Report 10/409**

A Condliffe, Applications Team Leader, advised the Committee that, should they be minded to approve the application, Condition 4 on Page 116 of the Agenda, should read as follows:
“4. The delivery/collection of goods to/from the premises shall take place between 0700 and 2300 Mondays to Saturdays and at no other time. The idling of delivery vehicle engines is prohibited. “

Resolved:

Defer, for the purposes of (i) obtaining further information regarding the Landscaping Plan approved as part of a condition attached to a previous consent for the site granted in 2005 and how that might affect the application; and (ii) further information on possible proposals previously made for a landscaping and wildlife area.