

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 23 September 2009 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell (except Art. 483(2)), I Campbell, C Gillies (up to and including Art. 483(5)), E Grant, A Jack, W Lumsden (up to and including Art. 483(5)), M Lyle, H McDonald, S Miller and A Wylie (substituting for Councillor J Kellas).

In Attendance: Councillor D Melloy; N Brian, A Condliffe, B McNaughton, K Stirton, A Fleming (all The Environment Service); C Elliott (Corporate Services); P Anderson and P Frazer (both Chief Executive's Service).

Apology for Absence: Councillor J Kellas.

Councillor W Wilson, Convener, Presiding.

480. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor L Caddell declared a non-financial interest in Art. 483(2).

481. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 26 August 2009 (Arts. 423-428) was submitted, approved as a correct record and authorised for signature.

482. 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.
07/01544/FLL	483(2)
07/02696/FLL	483(3)
09/00948/FLL	483(4)
09/01053/FLL	483(5)
09/01245/FLL	483(6)
09/01293/FLL	483(7)

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

483. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **08/01456/FLM – GUILDTOWN – Erection of 64 dwellinghouses with associated infrastructure at land at the end of Hall Road/School Road, Guildtown – A and J Stephen Ltd and Perthshire Housing Association – Report 09/441**

N Brian advised that, following consultation with Community Greenspace, a financial contribution is now requested towards Open Space subject to a legal agreement where not paid before the issuing of planning consent.

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. A minimum of 16 units shall be administered by a registered social landlord.
4. Prior to the commencement of any works on site precise details of which (and how many) units are to be administered by the registered social landlord, shall be submitted for the approval in writing by the Council as Planning Authority.
5. Prior to the commencement of any works on site a detailed planting and landscaping scheme shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, with replanting occurring as necessary, to the satisfaction of the Council as Planning Authority.
6. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation of houses.
7. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
8. A 2.5 metre wide combined cycle track/footpath constructed to the standard and specifications required by the Council as Roads Authority shall be provided between the site and School Road and implemented prior to the occupation of the first dwellinghouse.
9. Prior to the occupation of the first dwellinghouse, improved facilities for school children / bus passengers shall be provided on both sides of the A93 public road all to the requirements of the Council as Roads Authority and to the satisfaction of the Planning Authority.

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10. Prior to the commencement of any works on site precise details of the long term maintenance of all landscaped / openspace areas must be agreed in writing by the Council as Planning Authority.
11. Prior to the commencement of any works on site, precise details of the Sustainable Urban Drainage Scheme (SUDS) basins (including any means of enclosure) must be submitted for the approval in writing by the Council as Planning Authority.
12. The Cambusmichael Burn shall be routinely cleaned and maintained to the satisfaction of the Council as Planning Authority. Details of the timing and frequency of the works shall be agreed in writing with the Council as Flood Prevention Authority prior to any works commencing on site.
13. The existing Hall Road culvert shall be upsized or redirected to the satisfaction of the Council as Flood Prevention Authority.

The Committee unanimously agreed to impose the following additional condition:

14. Prior to the commencement of any works on site the applicant shall submit details for the provision of recycling facilities on the site for the prior approval of this Council as Planning Authority and such details as agreed shall be implemented prior to the occupation of any of the units.

Justification

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

Procedural Note

Planning consent should not be issued until a legal agreement has been concluded for (a) the delayed payment of an amount to be agreed with the applicant for the education contribution; and (b) the payment of an Open Space contribution where not paid prior to the issuing of planning consent.

Informatives

1. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they 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.
2. 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

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4. The applicant is advised to consider the hours of construction works to ensure that they are undertaken in such a manner as to minimise any disturbance on the residential amenity of neighbouring houses.

COUNCILLOR L CADDELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT.

(2) 07/01544/FLL – MILNATHORT – Extension to care home at Ashley House, Perth Road, Milnathort – Mr and Mrs J Allen – Report 09/442

N Brian advised Members that the Planning Officer's recommendation to approve had now been changed to a recommendation to refuse in light of further information received relating to the loss of an established tree on site due to the proposed development.

Mr J Allen, applicant, followed by Ms K Barnett and Mr G Kuijpers, objectors, and on behalf of other objectors, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

Motion (Councillors W Wilson and K Lyall) – Refuse, for the following reasons:

1. **The proposal contravenes Perth and Kinross Structure Plan 2003, Sustainable Communities Policy 9 and Kinross Area Local Plan 2004, Policies 2, 6 and 67 in that the design is inappropriate for the residential setting particularly due to the blank wall elevation and two storey appearance.**
2. **The proposal contravenes Perth and Kinross Structure Plan 2003, Sustainable Communities Policy 9 and Kinross Area Local Plan 2004, Policies 2 and 67 in that the scale and size of the proposal adversely impacts on adjacent neighbours.**
3. **The loss of an established tree on site adversely affecting the amenity of the care home and adjacent dwellinghouses.**

Amendment (Councillors R Band and W Lumsden) – Defer, to allow for the preparation of a detailed report in light of the late information received in respect of the loss of an established tree and to allow the applicant to consider this information.

Amendment – 2 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

COUNCILLOR L CADDELL RETURNED TO THE CHAMBERS AT THIS POINT.

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(3) 07/02696/FLL – COUPAR ANGUS – Erection of 19 houses at Pleasance Road, Coupar Angus – Demryan Property Co Ltd – Report 09/443

Mr P Inglis, agent on behalf of the applicant, followed by Mr M Gallagher and Mrs J Kettles, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and E Grant) – Refuse, for the following reasons:

- 1. The development would have an inappropriate design and layout.**
- 2. The proposed development would be unacceptable in respect of both vehicular and pedestrian safety with particular reference to the internal layout and vehicular access arrangements onto Pleasance Road.**

First Amendment (Councillors R Band and K Lyall) – Grant, subject to conditions contained in Report 09/443 and an additional condition that the existing stone material on site be reused as far as possible.

Second Amendment (Councillors A Jack and C Gillies) – Defer, for further consideration of road safety issues, both vehicular and pedestrian.

Second Amendment – 3 votes

First Amendment – 5 votes

The Second Amendment accordingly fell.

First Amendment – 4 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

(4) 09/00948/FLL – GLENCARSE – Erection of 4 houses at Leetown, Glencarse – West Errol Trust – Report 09/444

Dr G McCrickard, objector to the application and representing other objectors, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reason:

- 1. The proposed development by reason of overdevelopment and loss of residential amenity to the adjacent property of No1 Leetown would be contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000).**

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(5) 09/01503/FLL – RUMBLING BRIDGE – Demolition of existing agricultural shed and erection of a new dwellinghouse on land at Megsfauld, Rumbling Bridge – Mr James Wood – Report 09/445

Mr M Pease and Ms C Ritchie, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reason:

1. The proposed development is contrary to the Kinross Area Local Plan 2004, Policy 64 Housing in the Countryside and Perth and Kinross Council's Housing in the Countryside Policy 2005.

COUNCILLORS C GILLIES AND W LUMSDEN LEFT THE MEETING AT THIS POINT.

FOLLOWING AN ADJOURNMENT FOR LUNCH THE COMMITTEE RECONVENED.

(6) 09/01245/FLL – DRUM – Modification of existing consent (09/00828/MOD) Relocation of a 15 metre monopole wind turbine at Carsefoot, Drum – Mr and Mrs Davidson – Report 09/446

Anne Condliffe advised that, to avoid any doubt, an additional condition should be added that the consent is for the one turbine only.

Ms A Ellis, agent on behalf of the applicant, followed by Mr and Mrs J White, 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 conditions contained in Report 09/446 and an additional condition that the planning consent is for one turbine only.

Amendment (Councillors I Campbell and S Miller) – Refuse, for the following reasons:

1. The proposal is contrary to PAN45: Renewable Energy as it does not give due consideration to comparative heights of landscape features.
2. The proposal is contrary to Kinross Area Local Plan 2004, Policy 17 (b) and (c) in respect of visual dominance.
3. The proposal contravenes Perth and Kinross Council Supplementary Planning Guidance for Wind Energy Proposals in respect of recommended distances between turbines and adjoining properties.

Amendment – 6 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

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(7) **09/01293/FLL – SCONE – Alterations and change of use of garage/store to 2apt granny flat annex (part retrospective) 40 Lyndoch Road, Scone – E Corrigan – Report 09/447**

Mr E Corrigan, applicant, followed by Ms H Paterson and Mr J Crighton, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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

Resolved:

Refuse, for the following reasons:

1. The siting of the development is detrimental to the residential amenity of the adjoining dwellinghouse, 34 Lyndoch Road, by virtue of its close proximity.
2. The location of the development in relation to the existing house within the plot is detrimental to the amenity of both the development itself and the existing house.
3. The height, nature and scale of the development would have an adverse impact on the amenity of the property opposite 43 Lyndoch Road.
4. The proposal contravenes Perth and Kinross Structure Plan 2003, Sustainable Communities Policy 5, in that the site is not identified as a small scale opportunity site.
5. The proposal contravenes Perth Area Local Plan 1995 (incorporating Alternation No. 1 Housing Land 2000) Policy 71, as the village character is neither retained or improved and as it adversely affects the amenity of the village.

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