

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
30 July 2008

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 30 July 2008 at 9.30am.

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

In Attendance: Councillors M Barnacle and G Hayton (up to and including Art. 433(2)); N Brian, A Condliffe, M Watson, D Buchanan and G Peebles (all The Environment Service); C Elliott (Corporate Services); L Hall, G Fenton and Y Oliver (all Chief Executive's Service).

Apologies for Absence: Councillors E Grant and A MacLellan.

Councillor W Wilson, Convener, Presiding.

430. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art 433(7) in terms of the Councillors' Code of Conduct.

431. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 2 July 2008 (Arts. 416-419) was submitted, approved as a correct record and authorised for signature.

432. 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.
06/00774/FUL	433(1)
07/02325/FUL	433(2)
08/00619/FUL	433(7)
08/00686/OUT	433(8)

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

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433. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **06/00774/FUL – METHVEN – Erection of 143 dwellinghouses, 43 affordable houses and associated parking and garaging at Plots 1-186 Lynedoch Road, Methven – GS Brown Construction Ltd – Report 08/383**

N Brian, Development Quality Manager, advised the Committee that the last sentence in paragraph 35 on page 7 of Report 08/383 should read “the applicant is not prepared to amend the layout, but a condition requiring additional open space would render the proposal acceptable”.

Mr D Munro, on behalf of the applicants, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall be commenced within a period of five years from the date of this consent.
2. The proposed development shall be carried out in accordance with the approved plans herewith unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of works a 1:500 scale plan of the proposed A85(T) (Main Street)/Harrietfield Road roundabout shall be submitted to and approved by the Planning Authority in consultation with Transport Scotland.
4. Prior to the occupation of any part of the development, the A85(T)/Harrietfield Road roundabout shall be implemented in accordance with the approved plan, to the satisfaction of the Planning Authority in consultation with Transport Scotland.
5. Prior to the occupation of any part of the development the existing A 85(T)/Harrietfield Road priority junction shall be permanently closed off and the road properly reinstated.
6. 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 Roads Authority, to the satisfaction of the Planning Authority.
7. Pick up and drop off areas, together with appropriate shelters for bus passengers, shall be provided on both sides of the A85 trunk road adjacent to the access to the development. The areas shall be a minimum of 6m long by 1.8m wide kerbed and surfaced to the requirements of the Roads Authority, to the satisfaction of the Planning Authority.
8. The site layout shall be amended to include provision for a recycling facility, details to be submitted to the Planning Authority for approval prior to the commencement of work, unless otherwise agreed in writing.
9. All foul effluent from the development shall be connected to the public drainage infrastructure and not more than 103 units shall

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be erected until such time as drainage capacity is available, details of the phasing programme to be submitted to the Planning Authority for approval prior to the commencement of work.

10. Disposal of surface water shall be in accordance with Sustainable Urban Drainage Systems in accordance with the requirements of the Scottish Environmental Protection Agency, to the satisfaction of the Planning Authority.
11. No more than 100 houses shall be occupied prior to the provision of additional classroom capacity at Methven Primary School, and details of the manner in which the development will be phased shall be submitted to the Planning Authority for approval prior to the commencement of work.
12. A minimum of 25% of the units shall be affordable as defined in the Council's policy on Affordable Housing.
13. Details of finished floor levels for the houses related to a suitable OS datum shall be submitted to the Planning Authority for approval prior to the commencement of work.
14. The main open space area in the middle of the development shall be a minimum of 0.5 hectares in area with the housing layout re-arranged accordingly. Details to be submitted to the Planning Authority for approval prior to the commencement of any work.
15. A detailed landscaping and biodiversity plan for the development shall be submitted to the Planning Authority for approval prior to the commencement of work. This shall make provision for retention and protection of existing tree belts along the eastern boundaries of the site, extensive mixed woodland planting above the 90m contour, and landscaping of open spaces. The landscaping works shall be implemented concurrently with the progress of development to the satisfaction of the Planning Authority.
16. All construction traffic is to enter and exit the site by way of the new roundabout and not by Rorrie Terrace.
17. The highland road to Glenalmond is to remain as a cycle route/footpath/bridle path.
18. Consent shall not be issued until a Section 75 Agreement and other legal agreement if required, has been completed and signed in respect of the following:
 - Affordable housing provision
 - Open/play space financial contribution
 - Maintenance of Open Space
19. It is delegated to the Development Quality Manager to remove Condition 11 should it be demonstrated to his satisfaction that classroom capacity is available.

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- (2) **07/02325/FUL – KINROSS – Proposed erection of 9 dwellinghouses, including 7 new build houses, conversion and extension of 2 existing steading buildings and alteration and extension to the existing farmhouse at Wester Balgedie Farm, Kinross – Gray Construction Ltd – Report 08/384**

N Brian, Development Quality Manager, advised the Committee that should they be minded to approve Report 08/384 he would request that the following two additional conditions be inserted:

1. Treatment and maintenance of the open space to the north-east corner of the site be carried out by the applicant.
2. Surfacing and maintenance of the road to the north-east corner of the site be carried out by the applicant.

Mr D Gray, applicant, and Mr A Smith, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor M Barnacle, elected member representing Ward 8, addressed the Committee.

Resolved:

Refuse, on the grounds that the proposed development by reason of its layout, design, density, and massing, would have a significant detrimental impact on the amenity and setting of the Wester Balgedie Conservation Area.

FOLLOWING A 15 MINUTE ADJOURNMENT THE COMMITTEE RECONVENED.

- (3) **07/02837/FUL (Amended) – ABERNYTE – Demolition of existing steading and erection of 4 dwellinghouses with garages at Abernyte Farm, Abernyte – Northbank Services – Report 08/385**

A Condliffe, Applications Team Leader, advised the Committee that two further comments from neighbours had been received advising that whilst they were now happy with the improvements they had not withdrawn their objections.

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, unless otherwise provided for by conditions imposed on the planning consent.
3. The roofs shall be finished in natural slate and the walls shall be finished in a combination of wet dash and natural stone, unless otherwise agreed in writing all to the satisfaction of the Council as Planning Authority.

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4. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site
 - (ii) 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.

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented, as approved by the Planning Authority.
5. Prior to the occupation of any of the dwellings a 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontage with the B953 Abernyte to Inchturre Road and the U142 Westtown – Newtown Road.
6. Prior to the occupation or use of the approved development the new vehicular access to the B953 shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
7. The gradient of the access shall not exceed 3% for the first 5 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.
8. Visibility splays of 3m by the maximum possible available distance measured from the centre line of the new access shall be provided in both directions along the nearside channel of the B953 prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
9. Prior to the commencement of the development a visibility splay of 9m by the maximum possible available distance from the centreline of the existing U142 and B953 public road junction shall be provided in a southerly direction along the nearside channel of the B953 and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
10. Turning facilities shall be provided within the site prior to the occupation of any of the dwellings to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter.
11. A minimum of 8 car parking spaces shall be provided within the site.
12. Prior to the occupation or use of the approved development 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B953 public road adjacent to the access to the development. The areas shall be a minimum of

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6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

13. The applicant shall treat surface water from the site in accordance with the principles of Planning Advice Note 61 and "Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland", CIRIA C521 (<http://www.ciria.org.uk>). Appropriate treatment systems should be designed for this site to ensure runoff for the proposed development is treated before surface water is discharged to the watercourse. This should include surface water soakaways and permeable paving for parking areas. A suitable SUDS system should also be able to provide flow attenuation to satisfy this Council's requirements and should be agreed with SEPA area staff, all to the satisfaction of the Council as Planning Authority.
14. Major site preparation work such as demolition of buildings, removal of roofs or tree/shrub clearance must be undertaken outwith the bird breeding season (i.e. not between the 1 March and 31 August). If this is not possible, a survey must be undertaken to confirm that there are no nesting birds present. This survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist and must be undertaken prior to any work starting on site.

- (4) **08/00122/OUT – PERTH – Proposed residential development, erection of a hotel with associated public house/restaurant, erection of a care home and offices with associated car parking, internal access roads and adjusted site levels at Cherrybank, Perth – Kilmartin Property Group/KW Properties Limited – Report 08/386**

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design and external appearance of the development, the landscaping of the site, footpaths, cycle ways, maintenance arrangements for all landscaping and areas of open space, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.

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3. The development to which this permission relates must be begun not later than:
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. The design concept and site layout plans are purely illustrative at this stage and are not approved and, in particular, the layout adjacent to Pickembere Cottages and Pitheavlis Cottages, for the business units and the care home are not approved.
5. The soundproofing of the hotel together with any associated public house/restaurant and the control of all amplified sound generated therein shall be such that no amplified sound is audible in any nearby residential property, including the proposed care home. The details of any outdoor seating area associated with the hotel and public house/restaurant shall be submitted as part of the reserved matters.
6. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained within the Hotel with associated Public House/Restaurant, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
7. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained within the proposed care home, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
8. All plant or equipment to be included within any of the commercial components of the proposed development be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 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 chart.
9. The installation of a solid fuel combustion boiler shall not take place unless otherwise agreed in writing by the Planning Authority.
10. 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.
11. The reserved matters shall include details of the proposed traffic signals at Glasgow Road/Necessity Brae and Glasgow Road/Oakbank Place to the requirements of the Council as Roads Authority and be implemented prior to the occupation of any part of the development to the satisfaction of the Planning Authority.
12. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable

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- urban drainage systems (SUDS) to meet the requirements of best management practices.
13. Prior to the occupation of the houses the Scouring Burn adjacent to the site for a distance of 300m (or other length to be agreed with the Planning Authority) upstream and downstream of the site shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water all to the satisfaction of the Council as Roads Authority.
 14. No trees or other obstructions which would interfere with the clear passage of water along the Scouring Burn shall be permitted and access to the Scouring Burn for vehicles involved in maintaining the said clear passage of water shall be provided for at all times.
 15. A street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed with the Council as Planning Authority.
 16. The reserved matters shall include details of facilities for public transport, bus boarders, shelters etc, on the adjacent public road network to be provided prior to the occupation of the development to the satisfaction of the Planning Authority.
 17. The submitted road layout is not approved. The road layout and access arrangements shall form part of an application for reserved matters to the satisfaction of the Planning Authority.
 18. Secure waterproof cycle parking facilities shall be provided within the development to the satisfaction of the Planning Authority.
 19. No part of the commercial development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the Plan.
 20.
 - (a) There shall be no development below the 46.0 mAOD contour.
 - (b) There shall be no loss of flood plain storage below 46.0 mAOD contour.
 - (c) Finished floor levels shall be set at a minimum of 46.6 mAOD or above.
 - (d) Finished ground levels should slope away from the exterior walls of buildings to ensure that surface water cannot pond against buildings.
 - (e) A solid boundary (eg a wall) shall not be erected at the east end of the proposed development site.
 21. The reserved matters shall also include the following:
 - (a) Site B – Additional tree and shrub planting shall be provided at the edge of the development site next to

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Buckie Braes and the potential to create a pedestrian access should be examined at the south-eastern boundary.

- (b) Site A – A requirement to provide an equipped playground (LEAP) and also to examine the potential to create a pedestrian link with the Cherrybank Gardens site adjacent to the western boundary.
- 22. The developer will be required to make a financial contribution to improve education facilities at the primary school appropriate to the catchment area pertaining to the site once the final number of houses has been approved and prior to the start of any residential development.
- 23. 25% affordable housing allocation is required on site to satisfy the Council's affordable housing policy and shall comprise a mix of houses and flats all to the satisfaction of the Council as Planning Authority.
- 24. No trees or other forms of soft landscaping shall be removed until a detailed landscaping scheme for the site has been approved by the Council as Planning Authority.
- 25. The mosaic by Sadie McLennan shall be retained in situ and the sundial by Ian Hamilton Finlay shall be relocated within the site with the details of the said relocation being agreed in writing with the Council as Planning Authority.

(5) 08/00379/OUT – PERTH – Erection of affordable studio apartments, mixed use commercial units and environmental improvements (in outline) 65-77 Scott Street and 76-78 Canal Street, Perth – Scott Street Regeneration Group – Report 08/387

Resolved:

Grant, subject to the following conditions:

- 1. The following reserved matters: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
- 2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
- 3. The development to which this permission relates must be begun not later than:
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.

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4. The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property (including those within the application premises).
5. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within any Class 3 commercial units, such that cooking odours are not exhausted into or escape into any nearby dwellings.
6. All plant or equipment (including any ventilation system) to be used in connection with the commercial units shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any nearby residential property (including those within the application premises), with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
7. The separating floor between the commercial units and residential properties shall be so designed, constructed and sound-proofed to provide attenuation such that noise from the normal operations within the commercial units shall be inaudible within the residential accommodation above.
8. The residential accommodation shall have no apertures, other than vents into kitchens and bathrooms, on the southern façade of the development.
9. The design and construction of the application premises shall be cognisant of the information presented in technical report R08.5440/1/AF dated 13 May 2008 prepared by Vibrock Limited and the guidance contained within BS8233:1999 to the satisfaction of the Planning Authority to provide indoor noise levels (LAeq) not exceeding 30dB in bedrooms and 40dB in other living areas.
10. The roof garden on the upper floor of the southern leg of the application premises shall not be accessed from a bedroom.
11. No development shall take place 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 and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of works is fully implemented and that all recovery and recording of archaeological resources within the development is undertaken to the satisfaction of the Planning Authority.
12. The vehicular access shall be formed in accordance with specification Type B, Fig 5.6, access detail to the satisfaction of the Planning Authority.
13. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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14. A minimum of one car parking space per two dwellings shall be provided within the site.
15. A minimum of one secure waterproof cycle parking facility per two dwellings shall be provided within the site to the satisfaction of the Planning Authority.
16. The development shall be designed in accordance with the design statement accompanying the submission, to the satisfaction of the Planning Authority.
17. A minimum of 50% of the residential units shall be affordable as defined in the Council's approved Policy on Affordable Housing.
18. The reserved matters required by condition 1 shall include maintenance details for proposed amenity space within the site.
19. No demolition of the existing building shall take place until a detailed scheme for replacement has been granted by the Council and the Council as Planning Authority has confirmed that it is satisfied that a contract is in place for the construction of the replacement building.

(6) 08/00617/FUL – CRIEFF – Erection of three dwellinghouses on land to the south of Mill Road, Crieff – GS Brown Construction Ltd – Report 08/388

Motion (Councillors H MacDonald and A Jack) – Refuse, on the grounds of over development of the site, density of the site and road safety issues.

Amendment (Councillors W Wilson and R Band) – 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, unless otherwise provided for by conditions imposed on the planning consent.**
3. **No development shall take place within the development site until the developer has provided a survey to determine whether bat roosts exist, what species are present on site, and whether the proposed development would affect any roosts. This survey should be undertaken by a suitably qualified consultant and should include mitigations where appropriate. Any mitigation scheme subsequently agreed in writing by the Council shall be fully implemented within an agreed timescale, to the satisfaction of the Council as Planning Authority.**
4. **The site shall be served by the existing private access which, prior to the occupation of any of the dwellinghouses hereby approved, shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.**
5. **Prior to the occupation of any of the dwellinghouses hereby approved, the vehicular access to Mill Road shall be**

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- reformed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
6. The gradient of the access shall not exceed 3% for the first three 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.
 7. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
 8. A minimum of 2 off-street parking spaces per dwelling shall be provided within the site prior to the occupation or use of the approved development.
 9. Details of all boundary treatments shall be submitted for the prior approval in writing of this Planning Authority. In particular, all existing walls, fences and hedges shall be enhanced where appropriate.

Amendment - 7 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

COUNCILLOR M LYLE LEFT THE MEETING AT THIS POINT.

(7) 08/00619/FUL – MUTHILL – Change of use from agricultural unit to storage and distribution (Class 6) in retrospect at Caerlaverock Farm, Muthill – Mr J Bayne – Report 08/389

A Condliffe, Applications Team Leader, advised the Committee that the hours of operation in paragraph 25 should read “0800 – 1900 Monday to Friday” and “Sunday” should read “Saturday”.

Mr K Doe, agent on behalf of the applicant, Dr P Ewing and Mr R Hughes, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Defer, for the following reasons:

1. to allow further consideration to be given to an alternative access;
2. further consideration to be given to the amelioration of noise; and
3. further details of police objections.

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(8) 08/00686/OUT – BLAIRGOWRIE – Erection of 3 dwellinghouses (in outline) at Willoughby Cottage, Church Road, Woodside, Blairgowrie – A Conwell – Report 08/390

Mr J Dagen, agent on behalf of the applicant, and Mr P Grant, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:-
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. The submitted layout plan and housetype details are for illustrative purposes only and are not approved at this time. For the avoidance of doubt the number of units on the site is not approved under this consent and shall be the subject of approval through the submission of reserved matters.
5. Notwithstanding the submitted indicative details lodged with the application the design of the houses shall reflect the traditional architectural character of the area and shall not exceed one and a half stories in height.
6. All existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
7. A minimum of two car parking spaces per dwelling shall be provided within the site.

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