

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
13 May 2009

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 13 May 2009 at 9.30am.

Present: Councillors W Wilson, K Lyall (up to and including Art. 240(4)), R Band, L Caddell, I Campbell, C Gillies, E Grant, A Jack, J Law (substituting for Councillor J Kellas), W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: N Brian, A Condliffe, A Fleming, B McNaughton, G Peebles and P Marshall (up to and including Art. 240(4)) (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apology for Absence: Councillor J Kellas.

Councillor W Wilson, Presiding.

237. DECLARATIONS OF INTEREST

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

238. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 15 April 2009 (Arts. 193-197) was submitted, approved as a correct record and authorised for signature.

239. 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.
07/02097/FUL	240(1)
07/02098/FUL	240(2)
07/02224/OUT	240(3)
08/01133/OUT	240(4)
09/00250/OUT	240(6)
09/00455/FUL	240(7)

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

240. PLANNING APPLICATIONS FOR DETERMINATION

The Committee unanimously decided to conjoin deputations for applications 07/02097/FUL and 07/02098/FUL.

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Mr N Brian, Development Quality Manager, advised the Committee that, whilst Kinross Community Council had raised an objection with regard to 07/02097/FUL (Report 09/222), it had not raised an objection with regard to 07/02098/FUL (Report 09/223), as erroneously stated in Report 09/223.

- (1) **07/02097/FUL – KINROSS – Change of use of farm steading to provide 4 dwellings , erection of 7 dwellinghouses , erection of garages, formation of internal road and parking areas and upgrading of existing access and associated works at Classlochie Farm , Kinross – Wilson Homes Limited – Report 09/222**

Mr M Smith, agent on behalf of the applicant, and Mr A McLaren, applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

Motion (Councillors W Wilson and I Campbell) – Refuse, for the reasons contained in Report 09/222.

Amendment (Councillors M Lyle and A Jack) – Grant, on the grounds that the application is not contrary to:

- 1. The Council's approved Housing in the Countryside Policy (2005) as the land is a brownfield site;**
- 2. Policy 1 of the Kinross Area Local Plan in that it will achieve sustainable development; and**
- 3. Policy 2 of the Adopted Kinross Area Local Plan in that it will enhance the amenity to the local community; and**
- 4. Policy 5 of the Adopted Kinross Area Local Plan in that the landscape character will be enhanced through the development;**

and subject to conditions to be formulated by the Development Quality Manager; discussions to be held with Housing and Community Care with regard to an element of affordable housing being included in the development; and a Section 75 Agreement being entered into in connection with drainage.

Amendment – 8 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

- (2) **07/02098/FUL – KINROSS – Erection of replacement farmhouse, erection of agricultural building, formation of access road , formation of Sustainable Urban Drainage system (SUDs) and associated landscaping at Classlochie Farm , Kinross – Messrs D McLaren – Report 09/223**

Mr M Smith, agent on behalf of the applicant, and Mr A McLaren, applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

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Resolved:

Grant, on the grounds that the application is not contrary to:

1. The Council's approved Housing in the Countryside Policy (2005) as an operational need had been demonstrated for key worker housing;
 2. Policy 1 of the Kinross Area Local Plan in that it will achieve sustainable development;
 3. Policy 2 of the adopted Kinross Area Local Plan in that it will enhance the amenity to the local community; and
 4. Policy 5 of the adopted Kinross Area Local Plan in that the landscape character will be enhanced through development;
- and subject to conditions to be formulated by the Development Quality Manager and a Section 75 Agreement being entered into in connection with drainage.

(3) 07/02224/OUT – TROCHRY – Erection of a dwellinghouse (in outline) at Trochry Mill, Trochry – Mrs Grieve – Report 09/224

A Condliffe, Applications Team Leader, advised the Committee that, should the application be approved, Environment Services had requested that the standard contamination condition be added.

Mr D Wardrop, agent on behalf of the applicant, and Ms S Morse, objector to the application, addressed the Committee, and, following their representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. No works in connection with the development hereby approved shall take place unless full details of the siting, design, external appearance and the landscaping of the development and the means of access serving the development (hereinafter referred to as the reserved matters) have been submitted to and approved in writing by the Planning Authority. The reserved matters include:
 - a) A detailed levels survey (existing and proposed) and cross-sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - b) The siting, design, height and external materials of all buildings or structures;
 - c) Details of the access and parking for the development;
 - d) Full details of the proposed means of disposal of foul and surface water from the development;
 - e) Details of all landscaping, planting and screening (including retention of trees) associated with the development.

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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. Prior to the occupation and/or use of the dwellinghouse the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
5. Prior to the occupation and/or use of the dwellinghouse turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
6. Prior to the occupation and/or use of the dwellinghouse a minimum of 2 No. car parking spaces shall be provided within the site.
7. Unless otherwise agreed by the Council as Roads Authority, the Developer shall provide a maintenance strip 6.00 metres wide along the site frontage of the River Braan. No fences, trees or other obstruction, which would interfere with the clear passage of water or maintenance vehicles, shall be allowed in this area. All details of planting etc. within these areas shall be agreed in writing with the Council as Roads Authority.
8. Surface water from hard surfaces shall be disposed of by a closed soakaway or by the implementation of a Sustainable Urban Drainage Scheme, in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland & Northern Ireland: CIRIA 2000.
9. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 (enlargement, improvement or other alteration), Class 3 (development within curtilage) and Class 7 (means of enclosure) of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any Order revoking and re-enacting that Order, shall be erected in the curtilage of the dwelling.
10. The submission of reserved matters referred to in Condition 1 shall include a detailed landscaping and planting scheme for the further approval of the Planning Authority prior to the commencement of the 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

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shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented as part of the development of the site and thereafter maintained to the satisfaction of the 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.
12. The design and external appearance of the dwellinghouse and any related buildings shall reflect the traditional architectural character of the area in terms of scale, form detailing and external appearance of the neighbouring properties with the dwellinghouse height being limited to a maximum one-and-a-half storeys in height. This should include existing and proposed ground levels and proposed floor levels relative to neighbouring land/properties and a fixed ordnance datum.
13. The reserved matters referred to in Condition 1 shall include a tree survey and a tree constraints plan in accordance with 'BS5837:2005 Trees in Relation to Construction' shall be submitted to the Planning Authority:
 - a) The tree survey shall clearly indicate the location of trees and their crown spread which are within or bordering the site on a scalable plan, allocate them a reference number, provide an assessment of their general state of health and stability and provide details of any topping, lopping or felling required.
 - b) The tree constraint plan shall clearly detail the trees to be retained and identify their root protection area (RPA) on a scalable plan. The location of protective fencing for the retained trees shall be marked on this plan and a specification of the protective fencing provided. Any works required to be undertaken within the RPA of the retained trees shall be detailed. The tree constraint plan shall also show details of those trees proposed for removal.
 - c) The erection of protective fencing shall be undertaken in accordance with the plan and fencing specification approved under section (b) of this condition before any equipment, machinery or materials are brought on to the site for the purposes of the development. Thereafter the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made unless details have been approved under paragraph (b) or written consent from the Planning Authority has been sought.

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14. For the avoidance of doubt permission is given for the erection of a single dwellinghouse in the area identified on the approved site plan as "site of proposed house" to the satisfaction of the Council as Planning Authority.
15. As part of the reserved matters referred to in Condition 1, a red squirrel survey and red squirrel habitat survey shall be undertaken and submitted to, the Planning Authority. If red squirrels or red squirrels' dreys are found, mitigation measures will be required to be submitted and approved and implemented, prior to any works on site, all to the reasonable satisfaction of the Planning Authority.
16. The "field drain" which has been historically used to supply water to Trochry Mill shall be infilled prior to the commencement of any of the development hereby approved, to the satisfaction of the Planning Authority in consultation with SEPA.

The Committee unanimously agreed to add the following conditions:

17. The route of the proposed access shall be positioned taking account of the neighbouring property to the south (currently known as Meikle Trochry) and be located at a sufficient distance to protect its residential amenity to the satisfaction of the Council as Planning Authority.
18. If any ground contamination is found during the construction of the development, the Council shall immediately be informed in writing. At that stage, if so requested by the Planning Authority, the applicant shall undertake and submit, for written approval by the Council, a comprehensive contaminated land assessment. Such assessment would include a scheme to deal with the contamination and a full timetable for the proposed reclamation measures to be undertaken. On completion, verification shall be provided by the applicant or his agent that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

Informative:

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

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

- (4) **08/01133/OUT – AUCHTERARDER – Outline planning permission for residential and employment development at land at Castlemains and Kirkton to the north of Auchterarder – Stewart Milne Group/Muir Homes Limited – Report 09/225**

Mr S MacGarvie, on behalf of Castlemains Road objectors, addressed the Committee, and, following his representation, withdrew to the public benches.

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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, phasing of the development, 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. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
5. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems (SUDs) to meet the requirements of the Planning Authority.
6. Prior to the commencement of any development on site, the details of the roads proposals and implementation programme shall be submitted for approval by the Planning Authority in accordance with the relevant Minutes of Agreement with Transport Scotland.
7. Prior to the occupation of any part of the development, infrastructure modifications to the A9(T) Loaninghead Interchange, generally as indicated on DBA drawing 08007/SK/03, and the closure of central reservation gaps on the A9(T) between the Loaninghead (A823) Interchange and the Aberuthven (A824) junction, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland – Trunk Road Network Management Directorate, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.
8. The submission of reserved matters referred to in Condition 1 shall include control measures for noise, dust and odours. These measures shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses.

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9. The submission of reserved matters referred to in Condition 1 shall include detailed Ecological/Biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits, use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDs scheme.
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 works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
11. The submission of reserved matters referred to in Condition 1 shall include carbon emission reduction measures, including the onsite use of renewables and/or low carbon technologies. Each dwelling shall be constructed to achieve a minimum 'EcoHomes' (or equivalent quality assured scheme as agreed by the Council) overall 'very good' standard comprising the following minimum elements:
 - I. 'Excellent' standard in respect of energy credits
 - II. 'Excellent' standard in respect of water credit
 - III. 'Very Good' standards in respect of material credits.
12. Prior to the commencement of development the following carbon reduction details shall, together, be submitted to, and approved in writing by, the Council as Planning Authority:
 - a) details of a 'Design Stage' type assessment in accordance with the BREEAM Ecohomes (2006): Environmental Rating for Homes – Pre Assessment Estimator; and
 - b) details of how the development will reduce carbon dioxide emissions to a level 15% below the level of emissions which would result from the predicted total energy demand through the use of on-site sustainable energy technologies, such as renewables and/or low carbon technologies.
13. Following completion of the final dwelling within each phase, a 'Post Construction Stage' type assessment and related certification confirming the 'EcoHomes' standard that has been achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development meets the requirements of Conditions 11 and 12 shall be submitted to, and approved in writing by, the local Planning Authority. The approved measures and technologies

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- necessary to achieve the minimum 'EcoHomes' 'very good' standard shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.
14. Prior to the playing fields being brought into use, the developer shall provide an extension to the existing footpath along Castleton Road from High Street to the new playing fields to the satisfaction of the Council as Planning Authority.
 15. As part of the reserved matters, details of the provision of waste and recycling facilities within the site shall be submitted. Any details subsequently agreed shall be provided on site prior to the occupation or use of the development.

Procedural Notes:

1. Prior to the issue of consent the applicant shall enter into and conclude a Section 75 to cover the delivery of affordable housing, A9 junction improvements, provision of employment land, provision and maintenance of public open space and play areas, financial contribution towards community facilities, an annual motoring report on house completions for school capacity evaluation and education contributions if the number of houses exceeds 800.
2. Part of the application proposal is considered to be a departure from the Development Plan, however its inclusion within the Auchterarder Expansion Development Framework, which has Council approval for this use, is considered to be an acceptable justification for the departure.

COUNCILLOR K LYALL LEFT THE MEETING AT THIS POINT.

(5) 08/01303/FUL – BANKFOOT – Erection of dwellinghouse and garage, Perth Road, Bankfoot – Mr R Reid – Report 09/226

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 plans attached to the application and approved herewith unless otherwise provided for by conditions imposed on the planning consent.
3. Development shall not commence until a scheme to deal with contamination on the site has been submitted to, and approved by, the Planning Authority. The scheme shall cover the nature, extent and type of contamination, measures to treat/remove contamination, measures to deal with contamination during construction works and condition of the site on completion of decontamination. The dwellinghouse shall not be occupied until measures to decontaminate the site have been fully implemented to the satisfaction of the Planning Authority.

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4. Prior to the occupation of the dwellinghouse hereby approved a 1.8m footway to the Council's requirements shall be provided along the B857 Perth Road frontage of the site and around the bellmouth of the B857/C408 junction, to the satisfaction of the Council as Planning Authority.
5. Prior to the occupation of the dwellinghouse hereby approved, a 2m wide grass verge shall be provided along the C408 frontage of the site to the satisfaction of the Council as Planning Authority.
6. The boundary enclosures on the B857 and C408 frontages of the site shall be set back to the limits of the following visibility splay:
 - A 4.5m by 110m visibility splay measured from the centre line of the C408 southwards along the west kerb line of the B857.
7. Prior to the occupation of the dwellinghouse hereby approved, turning facilities shall be provided within the site to enable all private cars to enter and leave in forward gear and shall be permanently maintained thereafter.
8. The recommendations regarding levels, contained in section 6 of the Flood Risk Assessment dated May 2008 and prepared by Millard Consulting, shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the proposed house.
9. A detailed landscaping plan for the site, including tree and hedgerow planting, shall be submitted to the Planning Authority for approval prior to the commencement of work and implemented concurrently with the progress of development.
10. The roof of the house and garage shall be finished in natural slate to the satisfaction of the Planning Authority.

Procedural Notes:

1. Consent shall not be issued until a Section 75 Agreement has been completed and signed in respect of the following issue:
The provision of a flood storage compensatory area in perpetuity.
2. The application is considered to be a departure from the Development Plan and the justification for that is as undernoted:
Under s25 of the Town and Country Planning (Scotland) Act 1997, applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application is contrary to Environment and Resources Policy 9 of the Perth and Kinross Structure Plan 2003 relating to flood risk, and Policy 2 of the Perth Area Local Plan 1995 relating to ribbon development. However, there are material considerations to take into account, namely:
 - (i) The applicant is proposing flood mitigation measures acceptable to SEPA who, having originally objected to the application, are now of the view that the risk has been satisfactorily minimised.

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- (ii) A previous appeal decision on 06/01059/FUL for the same site did not consider ribbon development to be an issue and therefore raised no objection to the principle of development on the site.

Informative:

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.

(6) 09/00250/OUT – PERTH – Erection of storage and distribution warehouse, Mains of Huntingtower Farm, East Huntingtower, Perth – A Ritchie and Sons – Report 09/227

Ms C Peters, on behalf of the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Motion (Councillors W Wilson and A Jack) – Refuse, for the following reasons:

- 1. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 incorporating Alteration No1 Housing Land 2000 which requires that developments in the Landward Area will generally be restricted to agriculture, forestry, recreation and tourism projects and operational development, for which a countryside location is essential.**
- 2. Approval would be contrary to Policy 12 of the Perth Area Local Plan 1995 incorporating Alteration No 1 Housing Land 2000 which makes a presumption against built development within the Areas of Great Landscape Value except development necessary for operational need.**

Amendment (Councillors W Lumsden and L Caddell) – Grant, on the grounds that the proposal is not contrary to:

1. Policy 1 of the Perth Area Local Plan as the development will not be restrictive to agriculture, forestry, recreation and tourism projects and operational development.
2. Policy 6 of the Perth Area Local Plan 1995 as the development will provide economic benefits.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

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(7) **09/00455/FUL – LUNCARTY – Erection of an agricultural shed, Moneydie Farm, Luncarty – James Strang and Son – Report 09/228**

Mr N Strang, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is considered to be contrary to Environment and Resource Policy 5 of the Perth and Kinross Structure Plan as the development would not demonstrate a significant environmental enhancement within the green belt due to its visual intrusion and result in sprawl into an area of open countryside.
2. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 as the site does not have a good landscape framework or boundary definition and, as a result, the development will result in a conspicuous development unacceptably situated within an area of open countryside and result in an unacceptable level of visual intrusion.
3. That the application is contrary to the Scottish Government's Planning Advice Note 39 as the proposal is not located next to the existing farm buildings and no overwhelming justification has been provided to outweigh planning policy. It is therefore considered that development in this visually prominent location and away from farm buildings would result in the development being an eye catching feature in the landscape which would be out of keeping with the characteristics of the area.

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