

## **DEVELOPMENT CONTROL COMMITTEE**

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 18 May 2011 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band (up to and including Art. 269(2)(v)), I Campbell, C Gillies (up to and including Art. 269(2)(v)), E Grant (up to and including Art. 269(2)(v)), T Gray (substituting for Councillor L Caddell), A Jack, J Kellas, W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: Councillor B Ellis (up to and including Art. 269(2)(iii)); N Brian, A Condliffe, A Fleming, J Thomson, R Stewart (up to and including Art. 268(ii)), J Russell (up to and including Art. 269(2)(iv)), J Ferguson (up to and including Art. 269(2)(ii)) and G Peebles (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillor L Caddell.

Councillor W Wilson, Convener, Presiding.

### **264. WITHDRAWAL OF APPLICATION**

The Committee noted the following application had been withdrawn from the Agenda:

**10/02049/AML – CLATHY – Erection of 3 Dwellinghouses (in outline)  
Land to the North West of Bearn Larach, Clathy (Report 11/209)**

### **265. DECLARATIONS OF INTEREST**

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

### **266. MINUTE OF PREVIOUS MEETINGS**

The Minute of Meeting of the Development Control Committee of 13 April 2011 (Arts. 191-194) was submitted, approved as a correct record and authorised for signature.

### **267. 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.
11/00060/FLL	269(2)(ii)
11/00206/FLL	269(2)(iii)
11/00248/FLL	269(2)(iv)

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11/00277/FLL

269(2)(v)

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

**268. APPLICATIONS PREVIOUSLY CONSIDERED**

**(i) 10/01062/FLM – METHVEN – Erection of 79 Mainstream and 24 Affordable dwellinghouses Lynedoch Road, Methven – G S Brown Construction Ltd – Report 11/206**

Mr N Brian, Development Quality Manager, advised the Committee that, following conditional consent by the Development Control Committee at its meeting in November 2010, subject to a Section 75 Legal Agreement, consent was now being sought to changes to the conditions and terms of the Section 75. The reason for the request was that, since consent was granted, certain issues had arisen with regard to current market conditions and the vagaries of funding regarding affordable housing. Having discussed the matter with Legal Services, a Section 75 Legal Agreement will be required to ensure the provision of affordable housing but officials were looking to expedite matters. The requirements would still be met and the Council's Housing Service was agreeable to this approach.

If the Committee was minded to grant the application, an open space contribution would also be payable.

**Resolved:**

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

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development shall be carried out in accordance with the accompanying approved plans unless provided for by conditions imposed on the planning consent.
3. Prior to the occupation of any dwellinghouses all matters regarding access, car parking, road layout, design and specification, including disposal of surface water, shall be in accordance with the Council's standards, to the satisfaction of the Planning Authority.
4. Prior to the occupation of any dwellinghouses, the existing bus infrastructure on both sides of the A85 in the immediate vicinity of the site shall be upgraded to four-bay shelters to the standards required by the Council as Transport Authority, details to be submitted to the Planning Authority for approval prior to installation.
5. Disposal of surface water shall be in accordance with Sustainable Urban Drainage Systems as per the requirements of the Scottish Environment Protection Agency, to the satisfaction of the Planning Authority.

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6. Additional footpath links shall be provided to the existing tree belt on the eastern side of the site and to the south-west boundary of the site through the proposed open space corridor between plots 35/37 and 24, details to be submitted to the Planning Authority prior to the commencement of work.
7. The existing trees on the eastern edge of the site shall be retained and protected to BS 5837 2005 during construction works to the satisfaction of the Planning Authority.
8. Prior to the commencement of work an additional landscape plan shall be submitted to provide further details of the following items:- a long-term management plan for the existing tree belt along the eastern boundary of the site; the manner in which the proposed open space adjacent to the south-west boundary will be integrated with that on the adjoining site; full design details of the proposed SUDS pond; the landscaping of the south-western boundary to the rear of plots 7-24; retention of the hedge along Lynedoch Road; treatment of the burn.
9. The houses above the 90 metre contour, i.e. Plots 94 -102 shall be roofed in natural slate and samples of all finishing materials, including those for shared surface courts, shall be prepared on site for approval by the Planning Authority prior to the application thereof.
10. A phasing plan for the overall development of the site, with specific reference to affordable housing construction and public open space provision, shall be submitted to the Planning Authority for approval prior to the commencement of work.
11. All public open spaces shall be constructed, laid out and planted in accordance with the Council's standards and thereafter maintained to the satisfaction of the Planning Authority.
12. Details of all boundary treatment shall be lodged for the prior approval of this Council as Planning Authority before any works commence on site.
13. Prior to the commencement of works on site the applicant shall submit details for the maintenance of all areas of open space and landscaping within the site for the prior approval of this Council as Planning Authority. The maintenance arrangements shall conform to one of the following methods:
  - Perth and Kinross Council can take title to the land and maintain the ground in perpetuity for a fixed charge per house.
  - The Scottish Greenbelt Company (SGC), set up in 1992 by Scottish Enterprise, Scottish Natural Heritage and Strathclyde Regional Council, offer a service for maintaining areas of common "greenspace" provided as part of a development. It is a self-financing limited company whose profits may not be distributed. They can take title to the land and maintain it in perpetuity for a charge to the developer with the Council getting sight of the agreement.Note: In both the above cases two bonds are normally required - one to cover the Council for the implementation

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costs for the landscape works to the public open space and the other to cover the maintenance of the open space until it is passed to the Scottish Greenbelt Company or PKC.

- An approved alternative company maintains the open space in perpetuity for a charge to the developer and, in addition to an implementation bond, a permanent bond is also to be lodged with the Council against the potential default of maintenance obligations in the future. This option is not usually taken up as neither developers nor maintenance companies want to be tied into a perpetual bond.

For the avoidance of doubt no dwellings shall be occupied until such time as the agreed option for maintenance has been fully signed up to and confirmation of this provided to the satisfaction of this Council as Planning Authority.

### **Justification**

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

### **Procedural Notes**

1. Consent not to be issued until a Section 75 Agreement has been completed and signed in respect of the following issues: -
  - Method of delivery/phasing of the affordable housing requirement, or,
2. Consent not to be issued until the 2006 application (06/00774/FUL) granted by the Development Control in July 2008 is withdrawn.
3. Prior to the issue of consent the developer shall make a financial contribution, amount to be agreed by the Council as Planning Authority, towards local park provision. A deferred payment of the agreed sum will be acceptable through the entering into and conclusion of a suitable legal agreement.

### **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. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule

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7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
  4. 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.
  5. No work shall be commenced until an application for building warrant has been submitted and approved.

**(ii) 10/01661/FLL – GILMERTON – Alteration and extension to existing dwellinghouse and formation of 4 car ports and erection of a studio/workshop at Glen View, Highland Road, Gilmerton, Crieff – Mr Andrew McNeish – Report 11/207**

**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. Notwithstanding the details shown on the approved plans the extent of timber cladding on the elevations is not approved. Further details confirming a reduction in timber cladding and alternative material shall be submitted for approval by the Council as Planning Authority prior to the commencement of development.
4. Samples of the proposed slate, timber cladding and any other external finishing materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The materials, as approved, shall be implemented prior to the occupation and /or use of the development.
5. Details of the specification and colour of the proposed materials to be used in the balustrade and stairs materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved

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shall be implemented prior to the occupation and or use of the development.

6. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
7. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
8. The felled trees shall be replaced with mixed native shrubs or small trees such as Holly, Hazel, Blackthorn, Hawthorn and Dog Rose, details of which shall be submitted and approved prior to commencement of the development and shall be implemented and completed within the first planting season available after the date of this decision notice; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that 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.
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.
5. The applicant should be aware that there may be risk of localised flooding from the burn located outwith the application site unless the watercourse is properly maintained.

R STEWART LEFT THE MEETING AT THIS POINT.

**269. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 11/00139/FLM – KINROSS – Engineering operations to extend and consolidate wet grassland habitat at Vane Farm Nature Centre, Kinross – RSPB Scotland – Report 11/208**

**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. That no alterations or amendments shall be made to the details contained in the approved plans referred to in this decision notice unless so indicated by conditions attached to this consent or agreed in writing with the local Planning Authority.
3. For the avoidance of any doubt all ground works associated with this permission shall be carried out between 15 July and 15 September. Within this period, ground work after August 31 shall be restricted to those areas at least 300m from the shore of Loch Leven.
4. All surface water run-off from the site will be collected in an arrangement of temporary silt traps and settlement lagoons as typically shown in Appendix 2 before being released into Loch Leven via existing outflow channels. For the avoidance of any doubt the size and location of silt traps and outflow arrangements will be agreed in writing with the Council in consultation with SNH and SEPA prior to the commencement of development. Thereafter the approved details shall be formed all to the satisfaction of the Planning Authority.
5. Prior to the commencement of development a survey of the project area will be made to identify any water vole activity during May and June of 2011. Any active water vole burrows will be protected from direct disturbance during the works all to the satisfaction of the Planning Authority.
6. Immediately before works begin, a search of the project area will be carried out to find and remove as many amphibians as possible. For the avoidance of doubt they shall be released away from danger of direct killing by machinery.
7. Immediately before works begin, a search of the project area will be carried out to find any active nests or broods of ground-nesting birds with appropriate methods put in place to protect them from direct disturbance during the works.

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8. Immediately before works begin, a search of the project area will be carried out to find any otters with appropriate methods put in place to protect them from direct disturbance during the works.
9. Immediately before any tree felling begins, a survey shall be carried out to identify if any bats are present and appropriate mitigation methods shall be put in place to protect them from direct disturbance during the works.
10. Industry-standard fuel and oil spill contingency measures agreed with the Council, in consultation with SEPA, will be put in place during the works period.
11. Turfs containing locally important plants (including holy grass *Hierochloe odorata*) will be conserved in consultation with SNH while ground works take place and relocated afterwards within the project area, all to the satisfaction of the Planning Authority.
12. Any significant areas of bare soil exposed by the ground works will be sown with a sterile rye grass (*Lolium perenne*) or similar seed mix as soon as practicable after work has finished.
13. If bare earth surfaces become dry enough to begin to generate dust, they will be sprayed with water to reduce the likelihood that dust will become a nuisance.
14. Ground works involving machinery will only take place between 07:00 and 20:00 on weekdays and between 09:00 and 18:00 at weekends.

**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. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:

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- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
  4. An application for Building Warrant may be required.
  5. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
  6. In the event that any evidence of the mine entry is found during the proposed development, development works should cease and The Coal Authority should be contacted. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:  
[www.coal.gov.uk/services/permissions/index.cfm](http://www.coal.gov.uk/services/permissions/index.cfm)

**(2) Local Applications**

- (i) 10/02172/FLL – RUMBLING BRIDGE – Erection of dwellinghouse and detached garage at The Brae, Rumbling Bridge – Tayness Ltd – Report 11/210**

**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.

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3. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this 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 a full tree survey detailing all the doughtakings within the site, 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 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.
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. Prior to the occupation of the new dwelling a screen fence shall have been erected along the boundary with 'The Brae' in accordance with details which previously shall have been submitted to and approved in writing by the Council as Planning Authority.
6. The vehicle parking and turning facilities within the site shall be provided and made available for use before the new dwelling hereby approved is first occupied and shall be retained.
7. Notwithstanding the detail shown on the submitted plan, the discharge of treated effluent from the new sewage treatment plant shall be direct to watercourse rather than to ground within the site. The new dwelling hereby approved shall not be occupied until an effective discharge to watercourse has been installed in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority.
8. Prior to the house hereby approved being first occupied the first floor windows to western and eastern gable walls of the main house shall have been glazed with opaque glass to prevent overlooking of neighbouring garden areas and shall thereafter be so maintained.

**Justification**

This proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application.

**(ii) 11/00060/FLL – GLENFARG – Change of House Type at Plot 1 Cuthill Towers, Glenfarg – Mr John Cassells – Report 11/211**

Mr J Cassells, applicant, followed by Mr S Bolland and Mr R Kemp, 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 following conditions and an additional Condition 6 as undernoted:**

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. **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. **That part of the existing boundary wall in the west of the site which is to be retained shall not be removed**

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- without the prior written approval of the Planning Authority.
5. No built development is permitted in that part of the application site to the west of the existing boundary wall and the proposed post and wire fence without the prior written approval of the planning authority and any permitted development rights in this part of the site are hereby removed.
  6. The west gable wall of the dwelling shall be of a natural stone finish in accordance with details to be agreed in writing by this Council as Planning Authority prior to any works starting on site, unless otherwise agreed in writing by the Planning Authority.

Amendment (Councillors I Campbell and S Miller) – Refuse, on the grounds that the application is contrary to the Kinross Area Local Plan 2004 for the following reasons:

1. Policy 2(a) of the Kinross Area Local Plan 2004 in that the application does not have a landscape framework capable of absorbing and screening the development;
2. Policy 2(b) of the Kinross Area Local Plan 2004 in that the application does not have regard to the scale and form within the locality;
3. Policy 6(a) of the Kinross Area Local Plan 2004 in that the application proposes the use of inappropriate materials;
4. Policy 6(e) of the Kinross Area Local Plan 2004 in that the application does not fit the location;
5. Policy 7 of the Kinross Area Local Plan 2004 in that the application does not address the boundary treatment, thereby having a detrimental impact on key views;
6. Policy 94 of the Kinross Area Local Plan 2004 in that the application does not respect the setting and amenity of adjacent properties.

Amendment – 5 votes

Motion – 8 votes

**Resolved:**

In accordance with the Motion.

**Justification**

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

**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

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Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

J FERGUSON LEFT THE MEETING AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**(iii) 11/00206/FLL – BLAIRGOWRIE – Erection of 10 holiday Eco Pods, shower block and associated works at Lower White House, Blacklunans, Blairgowrie – Mr Simon Calvin – Report 11/212**

Mr S Calvin, applicant, followed by Ms K Howman and Mr K Headspeath, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor B Ellis, one of the elected members representing Ward 3, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

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

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species all to the satisfaction of the Council as Planning Authority.

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5. The eco pods are moveable structures and shall not be interchanged with caravans or any other moveable structure without the benefit of a further planning application all to the satisfaction of the Council as Planning Authority.
6. The eco pods shall be set on sleeper bases at existing ground levels and shall not be elevated above existing ground levels in any way, all to the satisfaction of the Council as Planning Authority.
7. Prior to the start of any development on site, the applicant shall submit full details of all external finishing materials including the colour specification of any timber treatments all to the satisfaction of the Council as Planning Authority.
8. Prior to the occupation or use of the approved development the existing vehicular access shall be provided with a bituminously bound surface for the first 6.00m to the satisfaction of the Planning Authority.
9. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
10. Prior to the occupation or use of the approved development a minimum of 8 No. car parking spaces shall be provided within the site.
11. All plant or equipment including any ventilation system associated with operation of the Pod site be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed 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 the windows slightly open, when measured and/or calculated and plotted on a rating curve chart.
12. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
13. The eco units hereby approved shall be used for holiday accommodation only and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person

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undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
5. A Caravan Site Licence may be required and the applicant is advised to contact the Environmental Health Manager of Perth & Kinross Council for further information.

COUNCILLOR B ELLIS LEFT THE MEETING AT THIS POINT.

**(iv) 11/00248/FLL – PITLOCHRY – Erection of two blocks of 4 flatted dwellings for holiday letting purposes with associated car parking at 34 Atholl Road, Pitlochry – Monument Leisure Ltd – Report 11/213**

Mr G Johnston, agent, followed by Mr G Dilworth, objector on behalf of Perth Civic Trust, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**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. The holiday apartments hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
4. Prior to the occupation or use of the approved development the existing access and footway will be realigned and widened in accordance with Millard Consulting approved plan 11/00248/9 to the satisfaction of the Council as Roads Authority.

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5. Prior to the occupation or use of the approved development 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 or use of the approved development a minimum of 12 No. car parking spaces shall be provided within the site.
7. A sample of the smooth render and wet dash roughcast shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The smooth render and wet dash roughcast as approved shall be implemented prior to the occupation and or use of the development.
8. A detailed hard and soft landscaping scheme including any proposed boundary treatments 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 the scheme as subsequently approved shall be carried out and completed within the next available planting season after the commencement of development; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
9. All existing trees on the site including the Norway Maple located in the southeast corner shall be retained and protected as described in BS 5837 2005 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.
10. The existing trees outwith the site to the south shall be protected from the development as described in BS 5837 2005. A protective fence shall be erected between the development site and the land to the south to prevent any construction activity including the storage of materials and installation of services in the root area of the trees. The applicant shall obtain arboricultural advice regarding this and submit a plan showing the location of the protective fence prior the commencement of works on site.

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**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that 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.
3. The applicant shall contact the Council's Community Waste Adviser with regard to the refuse collection arrangements for commercially rated properties.
4. 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.
5. No work shall be commenced until an application for building warrant has been submitted and approved.

J RUSSELL LEFT THE MEETING AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (v) **11/00277/FLL – DRUNZIE – Erection of 10 dwellinghouses at land north west of Gwendoline Row, Drunzie – Mr Mark Drysdale – Report 11/214**

Mr K McFarlane, agent, followed by Mr J McKeen and Ms L Baillie, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Wilson and W Lumsden) – Grant, subject to the following conditions:**

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

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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. Prior to the commencement of any development, the applicant shall submit to the Planning Authority for approval:
  - a) Detailed drawings showing the method to be employed for installation and construction for potential ground gas mitigation conforming with approved standards and the applicant's engineer's design.
  - b) All installations of gas protection measures are to be conducted by a suitably qualified installer to the satisfaction of the applicant's engineer's design specification. Installation certificates and verification can be issued and that verification can be supplied that the work has been conducted to the required specification submitted to and approved by the Planning Authority.
5. Prior to the occupation or use of the development the vehicular accesses shall be formed in accordance with the Council's Roads Development Guide Type A Figure 5.5 access detail to the satisfaction of the Council as Planning Authority.
6. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.
7. Prior to the occupation or use of the development 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 Duncrievie Road and implemented prior to the occupation of houses.
8. Prior to the occupation or use of the development the carriageway of Duncrievie Road ex adverso the site shall be widened to give a minimum carriageway width of 5.50 metres to the standards required by the Council as Roads Authority to the satisfaction of the Planning Authority.

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9. **Prior to the occupation or use of the development two off-street car parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the dwelling.**
10. **Prior to the occupation or use of the development a ‘Pick up and drop off’ area for bus passengers shall be provided on the east side of Duncraevie Road adjacent to the development. The area shall be a minimum of 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.**
11. **Prior to the commencement of any works, a scheme detailing one level of sustainable drainage (SUDs) surface water treatment shall be submitted for the written approval of the Planning Authority in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance in The SUDs Manual (C697) and should incorporate source control.**
12. **Prior to the commencement of development a fully detailed landscape plan including details of hard and soft landscaping and any planting and boundary treatment shall be provided and also details shall be provided of the central settlement feature shown in the plans. This feature shall be fully developed prior to the occupation of the first dwellinghouse. The approved landscaping scheme shall be fully implemented within six months of the completion of the development and thereafter maintained by the applicants and/or their successors to the satisfaction of the Planning Authority. Maintenance shall include the replacement of any plant stock which fails to survive as often as is required to ensure the establishment of the approved landscaping scheme.**

Amendment (Councillors S Miller and M Lyle) – Refuse, on the grounds that the application is contrary to the Kinross Area Local Plan 2004 for the following reasons:

1. Policy 2(a) of the Kinross Area Local Plan 2004 in that the application does not have a landscape framework capable of absorbing and screening the development;
2. Policy 5 of the Kinross Area Local Plan 2004 in that the application does not conserve the landscape features and sense of local identity;
3. Policy 94 of the Kinross Area Local Plan 2004 in that the application would adversely affect the character and amenity of the settlement.

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Amendment – 2 votes

Motion – 11 votes

**Resolved:**

In accordance with the Motion.

**Justification**

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

**Procedural Note**

Prior to issue of consent the applicant shall make a financial contribution of £37,500 towards off site affordable housing. A deferred payment of this sum may be acceptable through the entering into and conclusion of a suitable legal agreement.

**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.
5. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application.

COUNCILLORS R BAND, C GILLIES AND E GRANT LEFT THE MEETING AT THIS POINT.

- (vi) **11/00284/FLL – BALLECHIN – Erection of 2 dwellinghouses, Land North of 2 Tulloch of Ballechin, Ballechin – Mr Iain Michie – Report 11/215**

**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. Prior to the commencement of development on site, samples of the proposed external wall colour shall be submitted for the further approval of the Council as Planning Authority. The colour as subsequently agreed shall be implemented as part of the permission hereby approved.
4. Within a period of three months of the occupation of the first of the dwellinghouses hereby approved the area of ground required for the septic tanks shall be reinstated to agricultural ground to the satisfaction of the Council as Planning Authority.

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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

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application to Scottish Water Planning & 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.

5. The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.

**(3) Applications with Council Interest (no objections)**

- (i) 11/00287/LBC – TUMMEL BRIDGE – Installation of plaque at Tummel Bridge, Over River Tummel, Tummel Bridge – Perth and Kinross Heritage Trust– Report 11/216**

**Resolved:**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The method of attachment of the plaque to the bridge must be of non-ferrous fixings.

**Justification**

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

**Procedural Note**

As the application involves work to a listed structure in the ownership of the Council, the application requires to be referred to Historic Scotland for the determination and issuing of the consent.

- (ii) 11/00293/FLL – ABERFELDY – Erection of sculpture, Land 120 Metres North East Of Aberfeldy Caravan Park Main Building, Aberfeldy – Move 2 Improve – Report 11/217**

**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.

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**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

**(iii) 11/00308/FLL – PERTH – Replacement of street lights at High Street and King Edward Street, Perth – Perth and Kinross Council– Report 11/218**

**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. For the avoidance of doubt lamp 36 on 28-30 High Street is not approved as a location of modern lighting on this building is inappropriate.
4. For the avoidance of doubt cables and equipment boxes on the facades of buildings shall be disguised by following existing elevation features, service runs or rain water goods. Where this is not possible details of cable and equipment box colouring will be supplied to ensure that they match the background colour they are to be mounted on which shall be approved in writing by the Planning Authority in consultation with Historic Scotland prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

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5. Where wall mounted units are to be removed and not replaced in the same location details of remediation works will be supplied prior to the commencement of development and approved in writing by the Planning Authority to ensure repairs match the original surface in terms of material and finish. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
6. For the avoidance of any doubt the existing column street lighting shall be removed once the scheme as approved has been implemented and brought into use all to the reasonable satisfaction of the Planning 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.

**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.

**(iv) 11/00309/LBC – PERTH – Replacement of street lights at High Street and King Edward Street, Perth – Perth and Kinross Council – Report 11/219**

**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. For the avoidance of doubt cables and equipment boxed on the facades of the building shall be disguised by the following existing elevation features, service runs or rainwater goods. Where this is not possible details of

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- cable run and equipment box colouring will be supplied to Historic Scotland for written approval of Scottish Ministers in advance of the commencement of works to ensure that they match the background colour they are mounted on.
4. Where wall mounted units are to be removed and not replaced in the same location, details of remediation works will be supplied in advance of the commencement of works to Historic Scotland for the written approval of Scottish Ministers.
  5. For the avoidance of doubt lamp 36 on 28-30 High Street is not approved as a location of modern lighting on this building is inappropriate.

**Justification**

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

**Procedural Note**

As the application involves work to Category B Listed Buildings the consent shall not be issued until formal ratification from Historic Scotland has been received.

- (v) **11/00381/FLL – PERTH – Alterations and subdivision of 18 bedsit flats to form four one-bedroom flats and six two-bedroom flats and installation of solar panels at Meal Vennel, Perth – Hillcrest Housing Association Limited – Report 11/220**

**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. Prior to the commencement of development investigation into arrangements for waste and recycling facilities shall be undertaken with Environmental Health Service's Community Waste Adviser. The outcome of these investigations shall be submitted in writing to the local Planning Authority for approval. If a suitable scheme is achievable this shall be implemented prior to the occupation of the development in accordance with the approved plans all to the satisfaction of the local Planning Authority.
4. All flats shall be used for the purposes of affordable housing as defined in the Council's "Affordable Housing

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Policy” to the satisfaction of the Council as Planning 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.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

- (vi) **11/00420/FLL – PERTH – Widening of public road (in retrospect), Land 350 Metres North West Of West Lodge, Kinloch, Amulree – Griffin Windfarm Limited – Report 11/221**

**Resolved:  
Grant.**

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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