

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 27 June 2007 at 9.30am.

Present: Councillors M Barnacle, I Campbell, C Gillies (substituting for A MacLellan), E Grant (excluding 384(7) and (8)), E Howie, A Jack, W Lumsden (except for Item 384(5)), K Lyall, M Lyle, H MacDonald, D Scott (substituting for J Kellas) and W Wilson.

In Attendance: Councillor J Flynn (Art. 383(1) only) and Councillor M Roberts (up to and including Art. 383(4)); N Brian, G McFarlane, B Stanford, A Condliffe (up to and including Art. 384(4)), R Bean, M Watson and T Brydone (all The Environment Service); C Elliott (for Arts. 383(2), 384(1), (3), (5), (11) and (12) and 385(1)), G Fogg (for Arts. 383(1) and (3), 384 (7), (8), (9) and (10)) and I Innes (for Arts. 383(3) and 384(2) and (4)) (Corporate Services); and Y Oliver (Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

379. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn by the applicant:

07/00587/FUL – Glenfarg – Extension of Storage Facilities at Old Fargie Farm, Glenfarg – Mr Doig – Report 07/430.

380. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor W Lumsden declared a non-financial interest in planning application 07/00383/OUT (Art. 384(5)).

. MINUTES OF PREVIOUS MEETINGS

- (i) The minute of meeting of the Development Control Committee of 30 May 2007 (Arts. 294-298) was submitted, approved as a correct record and authorised for signature.
- (ii) The minute of special meeting of the Development Control Committee of 14 June 2007 (Arts. 358-361) was submitted, approved as a correct record and authorised for signature.

381. 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.
06/02533/REM	383(1)
06/02735/MOD	383(3)
07/00469/FUL	383(4)
06/01933/FUL	384(2)
07/00212/FUL	384(4)
07/00612/FUL	384(7)
07/00701/FUL	384(9)
07/00833/FUL	384(10)
07/01009/OUT	384(11)
06/02472/FUL	385(1)

In terms of Standing Order 19, the Committee unanimously agreed to vary the order of business.

382. PRELIMINARY ISSUE

G McFarlane advised the Committee that a change had recently been brought into effect. Previously appropriate applications were dealt with by requiring a Section 75 agreement to be entered into before the planning consent was issued. It was now proposed to deal with such applications by incorporating a suspensive condition which obliged the applicant to enter into an agreement at a future date. He informed the Committee that a question had arisen as to the competency of using a suspensive condition in this way and the matter was to be investigated by the Environment Service in consultation with the Legal Services Division. The Committee was therefore invited to approve the undernoted application with either (i) the suspensive conditions, as currently specified in the reports, or (ii) with the specification of a requirement for a Section 75 agreement to be entered into before the consent is issued if that is the outcome of the pending consultation with the Legal Services Division. The Committee agreed to proceed on this basis.

The applications within this category are: 06/02533/REM, 06/02130/OUT and 07/00612/FUL.

383. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

- (1) **06/02533/REM – PERTH – Erection of 14 detached dwellinghouses, 18 terraced dwellinghouses and 90 flats at Perth College, Crieff Road, Perth – Gladedale (North East Scotland) Ltd and Board of Management for Perth College – Report 07/421**

N Davidson, on behalf of the developer, followed by D McNaughton, I Carnegie, I Lewis and F Reid, all objectors to the application, addressed the Committee, and, following their respective representations withdrew to the public benches.

In terms of Standing Order 53, Councillor J Flynn, one of the Elected Members representing Ward 11, addressed the Committee.

Motion – Councillors W Wilson and C Gillies - Defer, to enable further consultation with the applicants in connection with the following:

- (i) **Construction traffic and ongoing traffic concerns;**
- (ii) **Density;**
- (iii) **Drainage issues need to be addressed to include a condition with regard to SUDS;**
- (iv) **Loss of sunlight.**

Amendment – Councillors K Lyall and D Scott – Refuse, for the following reasons:

- (i) Construction traffic and ongoing traffic concerns;
- (ii) Density;
- (iii) Drainage issues need to be addressed to include a condition with regard to SUDS;
- (iv) The ongoing maintenance of any walls and boundaries contained within the application site.

Amendment – 5 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

A Motion by Councillor L Caddell to grant the application in accordance with the Conditions detailed in Report 07/421, and including additional conditions relating to (i) flooding; (ii) maintenance of walls and fences; (iii) a Management Committee be set up to address the traffic issues; and (iv) to ensure that SEPA are satisfied with drainage proposals before development begins, failed to secure a Secunder and the Motion accordingly fell.

- (2) **06/02582/FUL – CRIEFF – Demolition of existing school buildings, erection of 5 dwellinghouses and 4 flats and conversion of existing building to form 3 affordable flats and associated roads at Academy House, Ewanfield, Crieff – Tulloch Homes – Report 07/422**

Resolved:

Refuse, on the grounds that the application is contrary to Policy 66 of the Strathearn Area Local Plan 2001 in that the design of the new buildings proposed would have a significant adverse effect on the character and amenity of the area.

- (3) **06/02735/MOD – FEARNAN – Modification of existing consent (04/02364/FUL) involving the demolition of the existing hotel and the erection of 36 residential holiday accommodation units and ancillary unit comprising restaurant/bar and retail facilities at Tigh Na Loan Hotel, Fearnan – Fearnan Marina Ltd – Report 07/423**

The Committee was advised that a late submission had been received from the Chairman of Fearnan Village Association advising that the Association had not changed their minds with regard to the application.

S Lynas, on behalf of the applicant, followed by S Hayes, objector to the application and Dr R Woolley, in support of the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and condition 22 being altered as narrated below:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. The vehicular access to the A827 public road shall be formed in accordance with specification Type D, Figure 5.7 access detail to the satisfaction of the Council as Planning Authority.
4. A 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the south and east boundaries of the site to the satisfaction of the Council as Planning Authority.
5. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the public road carriageways and the accesses shall be constructed so that no surface water is discharged to the public roads.
6. Within the land under applicant's control, full 4.5m by 90m visibility splays shall be provided to the right and left of the new access to the A827 junction measured between points 1m above the adjacent road channel to the satisfaction of the Council as Planning Authority.
7. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
8. A minimum of 60 car parking spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.
9. A cycle parking facility for a minimum of 10 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.
10. "Pick up and drop off" areas for bus passengers shall be provided on both sides of the A827 public road adjacent to the access to the development. The areas shall be a minimum of 4m long by 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
11. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

12. A street light system designed to EN 13201 / BS 5489 shall be provided over the length of new footway. 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.
13. A ventilation system commensurate with the scale and nature of cooking and heating being undertaken shall be provided, installed and operated to ensure that no cooking odours associated with this development are emitted or exhausted into any neighbouring domestic property.
14. Noise levels from the operation of any plant or equipment, including any sound system and ventilation system associated with the operation of the business shall be controlled such that they are not perceptible in any neighbouring dwellinghouse.
15. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with 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.
 - (v) condition of the site on completion of decontamination measures.
16. Prior to the occupation of any unit, relevant measures to decontaminate the site as approved by the Council as planning authority shall be fully implemented.
17. 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.
18. 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.
19. Prior to the commencement of development, details of the materials and colour of all the proposed finishes for the development, shall be submitted and approved in writing by the Council as Planning Authority.
20. Prior to the occupation of any of the holiday accommodation, the upgrading of the public drainage works shall be undertaken to the satisfaction of the Council as Planning Authority.
21. The approved houses shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.
22. The community facilities block hereby approved shall be fully completed, open and operational prior to the occupation, or completion, whichever is the earliest, of 50% of the holiday units, and shall be similarly maintained thereafter, to the satisfaction of the Council as Planning Authority.

G FOGG LEFT THE MEETING AT THIS POINT.

I INNES ENTERED THE MEETING AT THIS POINT.

(4) 07/00469/FUL – LONGFORGAN – Erection of a dwellinghouse at Snabs Farm, Longforgan – Mr and Mrs G Lawson – Report 07/424

C Backler, an objector to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

In terms of Standing Order 53, Councillor M Roberts, one of the Local Members, addressed the Committee.

Resolved:

Refuse, on the grounds that the application is considered to be incongruous within the existing building group.

384. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **06/01874/FUL – BLAIRADAM – Erection of a detached dwellinghouse at Kinnaird, Blairadam – DB Allan – Report 07/425**

Resolved:

Refuse, on the following grounds:

1. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004 where it relates to new housing in the countryside as it does not meet any of the criteria relating to (a) development zones, (b) building groups, (c) renovation of abandoned houses, (d) replacement houses, (e) conversion of non domestic buildings or (f) operational need.
 2. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not meet any of the categories (a) Building Group, (b) Infill Sites, (c) New houses in the open countryside, (d) Renovation or Replacement, (e) Conversions or (f) Brownfield Site.
- (2) **06/01933/FUL – PERTH – Conversion of steading to dwellinghouse at Huntingtower House Stables, Perth – Mr and Mrs Cameron – Report 07/426**

I Cameron, the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors W Wilson and W Lumsden) – Refuse, for the following reason:

The proposal would have an unacceptable adverse effect on the setting of Huntingtower Castle, a Scheduled Ancient Monument and a Category 'A' Listed Building, and approval would therefore be contrary to the Council's statutory duty under Section 59 of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 to give special regard to the setting of listed buildings and to Environment and Resources policy 8 of the Structure Plan and Policies 21 and 25 of the Perth Area Local Plan, 1995, which protect the setting of Ancient Monuments and Listed Buildings.

Amendment (Councillors L Caddell and D Scott) – Grant, on condition that:

- (i) Traditional building materials be used;
- (ii) A landscaping plan, to include indigenous species, be submitted and also subject to Conditions to be approved by the Development Quality Manager.

Amendment – 5 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

- (3) **06/02130/OUT – CLEISH – Erection of dwellinghouse (in outline) at land to rear of Templeton Houses, Cleish – Mr Ewan Sandilands – Report 07/427**

Motion (Councillors M Barnacle and D Scott) – Grant, subject to conditions referred to in Report 07/427.

Amendment (Councillors W Wilson and K Lyall) – Refuse, on the following grounds:

1. **The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004 where it relates to new housing in the countryside as it does not meet any of the criteria relating to (a) development zones, (b) building**

- groups, (c) renovation of abandoned houses, (d) replacement houses, (e) conversion of non domestic buildings or (f) operational need.
2. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not meet any of the categories (a) Building Group, (b) Infill Sites, (c) New houses in the open countryside, (d) Renovation or Replacement, (e) Conversions or (f) Brownfield Site.

Amendment – 6 votes + casting vote of Convener

Motion – 6 votes

Resolved:

In accordance with the Amendment.

- (4) **07/00212/FUL – CAMSERNEY – Erection of an eco-village comprising of 7 holiday lodges, manager's house, office, visitor centre, boiler house and community building at Camserney Farm, Camserney – Mr and Mrs Murray – Report 07/428**

D Orłowski, on behalf of the applicant, followed by B Maslen, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors E Howie and H McDonald) – Grant, on the basis that the application does conform with Policy 2 and is not contrary to Policies 4, 45 and 48 of the Highland Area Local Plan 2000, subject to conditions to be formulated by the Development Quality Manager and the following two additional conditions:

1. **The access road being altered.**
2. **The sewage and drainage be moved away from habitation.**

Amendment (Councillors W Wilson and I Campbell) – Refuse, for the reasons detailed in Report 07/428.

Amendment – 5 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

I INNES LEFT THE MEETING AT THIS POINT.

12.30PM – THE COMMITTEE ADJOURNED.

3.00PM – THE COMMITTEE RECONVENED.

G FOGG RE-ENTERED THE MEETING AT THIS POINT.

COUNCILLOR LUMSDEN LEFT THE MEETING AT THIS POINT.

- (5) **07/00383/OUT – GLENALMOND – Proposed development of holiday chalets (in outline) at land to the east of Wester Campsie Farm Cottage, Glenalmond – Mr and Mrs A Johnston – Report 07/429**

Resolved:

Refuse, for the following reason:

The proposal does not involve the expansion of an existing hotel, guest house, chalet park or caravan park, the replacement of static caravans nor does it fulfil a demand for this type of accommodation by virtue of its quality and the recreational facilities associated with the development. Approval would therefore be contrary to the Council's Chalet and Timeshare Policy Review 1997 and to Policy 28 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.

COUNCILLOR LUMSDEN RETURNED TO THE MEETING AT THIS POINT.

(7) 07/00612/FUL – DUNNING – Demolition of existing redundant farm buildings, alterations and extension to existing farm buildings to form 8 dwellinghouses and erection of 14 new dwellinghouses at Rossie Farm, Dunning – Countryside Steading Conversions Ltd – Report 07/431

C Young, on behalf of the applicant and J Campbell, applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. The proposed dwellinghouses cannot be occupied until 1 November 2008.
4. 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 provide a structural landscape framework (eg by splitting phases by tree planting, augmenting natural planting at burn-side at the western end and providing some moderate tree planting along the front (northern) boundary) and 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 6 months of the occupation of the house unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
5. 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.
6. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation of the houses.
7. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
8. Full visibility splays of 4.5m by 120m shall be provided to the right and left of the access measured between points 1m above the adjacent B8062 road channel level.
9. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
10. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
11. A secure waterproof cycle parking facility for a minimum of 10 cycles shall be provided within the site to the satisfaction of the Planning Authority.
12. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B8062 public road adjacent to the access to the development. The areas 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.
13. 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.
14. The final levels of the dwellings must take full account of the flood risk associated with the existing water course which is in close proximity to the site.

15. Prior to the occupation of the houses the watercourse adjacent to the site for a distance of 100m 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.
16. 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 adjacent watercourse. No fences, trees or other obstruction, which would interfere with the clear passage of water or maintenance vehicles, shall be allowed in these areas. All details of planting etc. within these areas shall be agreed in writing with the Council as Roads Authority.
17. No development shall commence until the applicant has submitted, for the written approval of the Planning Authority, in consultation with SEPA, a scheme of surface water drainage incorporating SUDS.
18. No development shall commence until the applicant has submitted, for the written approval of the Planning Authority, in consultation with SEPA, details of the redirection of the watercourse which runs beneath the site.
19. The works of demolition hereby approved shall not be commenced before contract(s) for the carrying of the works of redevelopment of the site, including the works contract, have been made and evidence of such contract(s) has been submitted to and accepted in writing by the Council as local planning authority and planning permission has been granted for the redevelopment for which the contract(s) provide.
20. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the Listed steading building, structural engineers' drawings and/or a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as local planning authority. The relevant work shall be carried out in accordance with such structural engineers' drawings and/or method statement thus approved.
21. Sample panels of all new facing masonry showing the proposed masonry types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Council as local planning authority before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed and has been approved.
22. Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details:
 - a) Detailed drawings of proposed windows and doors including detailed design, materials and finishes and method of opening.
 - b) Samples of proposed finishing materials.
 - c) Landscaping of site including planting and surface materials.
 - d) Detailed design and location of lighting.
23. All new external rainwater goods and soil pipes on the visible elevations shall be of painted cast metal.
24. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in the agreed reclamation scheme.
25. The implementation of this consent shall be such as to ensure that no house in phase 2 or 3 (comprising new build houses) shall be occupied until such a time as the Planning Authority is satisfied that phase 1 (the restoration and

- conversion of the listed building) has been completed and the houses of phase 1 made available for occupation.
26. Prior to the occupation of any of the houses in phases 2 or 3, the agricultural unit granted consent at Rossiebank (reference 07/00528/FUL) shall be completed and brought into operation to the satisfaction of the Planning Authority.
 27. An area of open space comprising one children's play area be provided to the satisfaction of the Planning Authority. Details of this scheme shall be submitted to and approved by this Planning Authority prior to the commencement of development.
 28. Prior to the commencement of development, amended designs for units 20, 21 and 22 will be submitted and approved by this planning authority. These amendments should provide a more substantial 'visual stop or containment' to the development at its west end.
 29. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 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.

(8) 07/00625/REM – BLACKFORD – Construction of an 18 hole championship golf course and practice fairway at land at Gleneagles West, Blackford – Ochil Developments (UK) Ltd – Report 07/432

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. 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 to the satisfaction of the Planning Authority.
5. Further consultation will take place with SEPA to ensure existing watercourse flows outwith the site remain at a satisfactory level.
6. The associated conditions imposed on planning permission 02/01500/OUT will continue to apply to this planning permission except where superseded by this application.

(9) 07/00701/FUL – COUPAR ANGUS – Erection of an agricultural building at Ryehill Farm, Coupar Angus – Mr J Beale – Report 07/433

S Cooper, agent and J Beale, the applicant, followed by Mr Coutts, on behalf of an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor C Shiers, one of the Local Members, addressed the Committee.

Resolved:

Refuse, for the following reason:

The proposal is contrary to General Policy 2 in the Eastern Area Local Plan 1998 which applies throughout the Landward Area by virtue of the commercial scale of the building very close to a housing development and the intended use for accommodating livestock which again would conflict with maintaining a suitable

residential environment for the already approved houses which would closely overlook the proposed building and also share a vehicular access with it.

(10) 07/00833/FUL – BANKFOOT – Erection of an equestrian centre and two-storey dwellinghouse at Coulterrenny Farm, Bankfoot – Mr and Mrs C Robb – Report 07/434

Mr R Hynd, Architect, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors W Wilson and E Grant) – 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), as the site does not have a satisfactory landscape framework and the local road network is not capable of absorbing the proposed development.**
- 2. The proposal is contrary to Policy 2 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000) which states that there will be a presumption against consent for built development adjoining those settlements which are the subject of Inset maps.**
- 3. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000) where it relates to new housing in the countryside as it does not fall within or meet the criteria associated with any of the excepted categories of development.**
- 4. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not fall within or meet the criteria associated with any of the excepted categories of development.**
- 5. The proposal is detrimental to the interests of pedestrian and traffic safety as Cairneyhill Road, which is the proposed means of access, is narrow, devoid of footways and heavily parked over much of its length.**

Amendment (Councillors Scott and Caddell) – Grant, subject to the applicant reverting to the original colour scheme and agreement being reached with the Roads Department regarding access and also subject to conditions to be formulated by the Development Quality Manager, on the grounds that the proposal is not contrary to Policies 1, 2 and 32 of the Perth Area Local Plan 1995.

Amendment – 3 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

G FOGG LEFT THE MEETING AT THIS POINT.

C ELLIOTT JOINED THE MEETING AT THIS POINT.

(11) 07/01009/OUT – ABERNYTE – Erection of two semi-detached cottages at Milton Farm, Abernyte – Mr and Mrs Sands – Report 07/435

J Sands, the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Motion (Councillors A Jack and M Lyle) – Grant, subject to conditions to be formulated by the Development Quality Manager on the grounds that the application does not contravene either Policy 32 of the Perth Area Local Plan 1995 or the Council's Policy on Housing in the Countryside.

Amendment (Councillors E Grant and L Caddell) – Refuse, for the following reasons:

- 1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000) where it relates to**

new housing in the countryside as it does not meet any of the criteria relating to [a] development zones [b] building groups [c] renovation of abandoned houses [d] replacement houses [e] conversion of non domestic buildings [f] operational need.

- 2. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not meet any of the categories (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversions or (6) Brownfield Site.**

Amendment – 7 votes

Motion – 6 votes

Resolved:

In accordance with the Amendment.

COUNCILLOR E HOWIE LEFT THE MEETING AT THIS POINT.

- (12) 07/01213/FUL – SCONE – Erection of 19 dwellinghouses at Balgarvie Farm, Scone (Plots 237-255) – A J Stephen Ltd – Report 07/436**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. 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.
4. Bonhard Road ex adverso the site boundary shall be widened to 5.5m to the requirements of the Council as Roads Authority prior to work commencing on site.
5. 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 Bonhard Road and implemented prior to the occupation of the first dwelling.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
7. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of Bonhard Road adjacent to the access to the development. The areas 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.
8. Prior to the commencement of any works on site, precise details of all boundary treatments must be submitted for the approval in writing by the Council as Planning Authority.
9. Prior to the commencement of any works on site, precise details of the long term maintenance of all landscaped / woodland areas are submitted for the approval in writing by the Council as Planning Authority.
10. No works shall commence on site until the Council as Planning Authority confirms in writing to the applicant that it is satisfied that Planning Consent ref: - 07/01204/FUL has been implemented in full.

385. APPEAL

(1) **06/02472/FUL – MILNATHORT – Erection of 5 wind turbines, control building, access tracks and other associated infrastructure at land at Tillyrie Farm, Milnathort – John Lawrie Tillyrie Ltd – Report 07/437**

D Thomson, the applicant, followed by P Hessey, an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

The Council take part in the Appeal asking for refusal for the following reasons:

1. Any decision on this application is premature prior to the decision on the appeals held in November 2006 – April 2007 into four windfarm proposals in the Ochil Hills at Lochelbank, Mellock Mill, Snowgoat Glen and Little Law which could have a significant cumulative landscape and visual impact, in association with the windfarms already approved in the Ochils at Greenknowes and Burnfoot and this proposal contrary to Perth and Kinross Council's Wind Energy Policy Guideline 2, to SPP6, to the Structure Plan Environment and Resources Policies 4 and 14 and to Kinross Area Local Plan Policies 2, 5, 6, 17 and 54.
2. The proposal by virtue of its location has an unacceptable landscape and visual impact, especially when viewed from the Milnathort and Kinross Area, and from the M90 and is therefore considered to be contrary to Perth and Kinross Council's Wind Energy Policy Guideline 2 on visual impact, to SPP6, to the Structure Plan Environment and Resources Policies 4 and 14 and to Kinross Area Local Plan Policies 2, 5, 6, 17 and 54.
3. The proposal by virtue of its location has an unacceptable cumulative landscape and visual impact in combination with the consented baseline developments in the Ochils of Greenknowes and Burnfoot Hill and is therefore considered to be contrary to Perth and Kinross Council's Wind Energy Policy Guidelines 3 on cumulative landscape and visual impacts, to SPP6, to the Structure Plan Environment and Resources Policies 4 and 14 and to Kinross Area Local Plan Policies 2, 5, 6, 17 and 54.
4. It has not yet been demonstrated that the proposal is satisfactory in terms of Trunk Road impact and is contrary to Guideline 6 'Operational Impacts', Structure Plan Environment and Resources Policy 14, renewable energy, and the Kinross Area Local Plan Policy 2 'Development Criteria'.
5. The proposal by virtue of its proximity to the Cottage, Shire End House, Shire End Farm, Shire End Cottage and the Ochil Hills Hospital Site, which was recently approved for outline consent for 35 dwellinghouses subject to a satisfactory legal agreement, will produce an unacceptable level of noise disturbance having a significant adverse impact on the residential amenity of these properties, and is considered contrary to Perth and Kinross Council's Wind Energy Policy Guideline 6 'operational impacts', NPPG6, the Structure Plan Environment and Resources Policy 14 and to Kinross Area Local Plan Policies 2 and 17.