

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 26 August 2009 at 9.30am.

Present: Councillors W Wilson, K Lyall, K Baird (substituting for M Lyle) (with the exception of Art. 427(1)), R Band, L Caddell (with the exception of Arts. 428(5) and (6)), I Campbell, C Gillies, E Grant, A Jack, J Kellas, W Lumsden, H McDonald and S Miller.

In Attendance: Councillor D Melloy (Arts. 427(1) and 428(1)); N Brian, A Condliffe, B McNaughton, A Fleming, K Stirton, T Maric, B Fraser, D Buchanan (Arts. 427(1) and 428(1)), B Clough (from Art. 428(2)) (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apology for Absence: Councillor M Lyle.

Councillor W Wilson, Convener, Presiding.

423. WITHDRAWAL OF APPLICATION

The Committee noted that the following application had been withdrawn from the Agenda:

09/00938/FLL – MUTHILL – Erection of 3 dwellinghouses at Lindores, Wardside, Muthill – Mr D McDermott – Report 09/395

424. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor K Baird declared a non-financial interest in Art. 427(1) and Councillor L Caddell declared a non-financial interest in Arts. 428(5) and (6).

425. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 22 July 2009 (Arts. 380-384) was submitted, approved as a correct record and authorised for signature.

426. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to planning applications as follows:

Planning Application No.	Article No.
08/01618/FLL	428(1)
09/00077/FLL	428(2)
09/00416/IPL	428(3)
09/00933/FLL	428(4)

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

09/01004/FLL	428(5)
09/01005/LBC	428(6)
09/01091/FLL	428(7)

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

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

427. PLANNING APPLICATION PREVIOUSLY CONSIDERED

- (1) **05/02409/FLL – GLENFARG – Demolition of hotel and erection of residential building containing 14 flats over 4 levels and lower ground floor car parking for 16 cars at Lomond Hotel, Main Street, Glenfarg – Glenfarg Developments – Report 09/390**

Resolved:

Refuse, for the following reason:

The proposed development would be contrary to Perth and Kinross Council's Affordable Housing Policy in that the applicant has declined to make the appropriate level of contribution required under the policy. As a consequence the development would fail to deliver any form of affordable housing.

COUNCILLOR K BAIRD RETURNED TO THE CHAMBERS AT THIS POINT.

428. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **08/01618/FLL – MEIGLE – Renewal of existing planning consent (05/00625/FUL) Formation of cycle/motor bike recreational track at Mains of Arthurstone Farm, Meigle – Mr Lindsay Patterson – Report 09/391**

Mr R Hynd, agent, and Mr B Reid, Scottish Auto Cycle Union, on behalf of the applicant, followed by Mr J Dagen, agent on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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

Motion (Councillors W Wilson and L Caddell) – Defer, for the purpose of producing a further report updating the information with regard to noise levels.

Amendment (Councillors J Kellas and I Campbell) – Grant, for a temporary period of twelve months, subject to the following conditions (as detailed in Planning Application 05/00625/FUL):

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

1. **Consent is hereby granted for a limited period until 30 September 2010.**
2. **Prior to the recommencement of any works on site precise details of all temporary buildings/structures are submitted for the approval in writing by the Council as Planning Authority.**
3. **A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Council as Planning Authority prior to the recommencement of any further works on site. The scheme shall include details of the height and slopes of the mounding and recontouring of the site, species, height, size and density of the trees and shrubs to be planted and the scheme as approved shall be carried out and completed within a timescale agreed in writing by the Council as Planning Authority.**
4. **The Council as Planning Authority shall be informed in writing of any change to the circuit layout prior to the change being implemented. Details of any changes must include any proposed changes in levels within the site.**
5. **Prior to the recommencement of any works on site precise details of the size and locations of the raised bale banks are submitted for approval in writing by the Council as Planning Authority.**
6. **The vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.**
7. **The public road over a length of 10 metres immediately adjacent to the access shall be widened to a minimum of 5 metres.**
8. **The gradient of the access shall not exceed 3% for the first 3 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.**
9. **Full visibility splays of 3 metres by 110 metres shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.**
10. **Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.**
11. **Adequate car parking spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.**
12. **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.**
13. **Appropriate signing for the facility, to the requirements of the Council as Roads Authority, shall be provided on the A94 Perth/Forfar Road and other surrounding roads, all to the satisfaction of the Planning Authority.**

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

14. Any planting failing to become established within one year shall be replaced in the following planting season with others of similar size and species.
15. The proposed Management Plan as submitted for the Motocross Track shall be implemented to the satisfaction of the Council as Planning Authority.
16. The Management Plan is in part superseded by other appropriate conditions attached to this consent.
17. Adequate precautions shall be taken to prevent contamination of the site or any watercourse from oils, fuels, hydraulic fluids and antifreeze to be stored or used on site.
18. The public address system proposed in the Management Plan is not approved. No public address system shall operate on the site.
19. No floodlighting is permitted within the site.
20. 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.
21. The details of the finished levels within the site are submitted for the approval in writing by the Council as Planning Authority within one month of the date of this consent and in any event, prior to any further works commencing on site.
22. The site shall be restored back to land suitable for agricultural within three months of either activities ceasing, or a planning consent expiring. This includes all internal alterations and all bunding/mounding which will have been formed as part of this planning permission and precise details of this shall be submitted prior to the commencement of any works on site.
23. The area shown on the plans as 'possible future extension of course' is not approved.
24. Operational times for the track shall only be on Sundays 11.00am – 4.00pm, Wednesdays 4.00pm – 8.00pm and on one Saturday per calendar month from 10.00am – 4.00pm.

Justification

It is considered reasonable and justifiable to permit a further extension to the temporary period of operation of the use to enable detailed noise measurements to be taken of the actual impact of the use on the amenity of the surrounding area.

Procedural Notes

1. 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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

stages of design from Scottish Water and the Scottish Environment Protection Agency.

2. The reference to drawings to 'possible future expansion of course' is not to be interpreted as forming part of this planning consent. Any such future expansion will have to be subject to a planning application. No reference to the plans or to this note should be interpreted as indicating the view which the Council may take on such an application.

Amendment – 7 votes

Motion – 6 votes

Resolved:

In accordance with the Amendment.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RE-CONVENED.

- (2) **09/00077/FLL – POWMILL – Demolition of existing steading buildings and erection of 6 dwellinghouses at Barnhill Farm, Powmill – Trilogy LLP – Report 09/392**

Mr K McFarlane, agent on behalf of the applicant, followed by Mr J Anderson, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and K Baird) – Refuse, on the grounds that the application is contrary to Policies 1, 2 and 64 of the Kinross Area Local Plan 2004 in that it would be unduly visibly prominent.

Amendment (Councillors L Caddell and J Kellas) – Grant, subject to the following conditions and Condition 5 being amended to include the following sentence: "For the avoidance of doubt, the landscaping scheme shall include all details of species, sizes and densities and shall involve substantial quality boundary planting.":

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. 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. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any 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 types(s) of contamination on the site, including any source, pathway, receptor linkage
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of remediation measures.
5. (Altered from that detailed in Report 09/392). A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all planting, and paths and tracks to be upgraded and made available for public use, shall be submitted and approved in writing by the Planning Authority before work is commenced on site. For the avoidance of doubt, the landscaping scheme shall include all details of species, sizes and densities and shall involve substantial quality boundary planting
 6. The vehicular access shall be formed in accordance with the Council's Roads Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority.
 7. The gradient of the access shall not exceed 3% for the first 6.00 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.
 8. Visibility splays of 2.50 metres x 70.00 metres measured from the centre line of the new access shall be provided in both directions along the nearside channel of the U223 public road prior to the occupation of any part of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
 9. A minimum of two parking spaces shall be provided within the curtilage of each plot to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and shall be permanently maintained thereafter.
 10. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear prior to the occupation of any part of the development to the satisfaction of the Council as Planning Authority, and shall be permanently maintained thereafter.
 11. The site shall be served by the existing private access which shall be provided with intervisible passing places at approximately 100 metres centres. The access shall be provided with a bitumenously bound surface to the

satisfaction of the Planning Authority, all prior to the occupation of any part of the development and shall be permanently maintained thereafter.

12. Prior to the occupation of houses, intervisible passing places shall be provided on the U223 public road at locations to be agreed with and constructed to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
13. 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.

Justification

Although the proposal is contrary to Policy 64 of the Kinross Area Local Plan, nevertheless the development is considered to comply with the terms of the more recent Supplementary Planning Guidance of the Housing in the Countryside Policy 2005.

Procedural Note

Prior to the issue of consent the applicant is invited to either pay the agreed financial contribution of £60,000 or conclude the affordable housing contribution as part of a Section 75 Agreement in respect of a delayed payment.

Informatives

1. 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.
2. The applicant should be advised in writing that the Executive Director (Education and Children's Services) can give no guarantee that any school age children arising from this development application could be accommodated at Blairingone Primary School. This will result in any such children being placed in the nearest school with capacity to accommodate them.
3. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with the Scottish Environment Protection Agency at an early date to establish the requirements for this application.
4. Any existing buildings may contain habitats of protected species such as bats or barn owls. It is worth noting that these are protected by separate legislation and the applicant should contact the Royal Society for the

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

Protection of Birds or Scottish Natural Heritage regarding this.

Amendment – 8 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

- (3) **09/00416/IPL – HATCHBANK – Erection of dwellinghouse (in outline) at former hay shed, Hatchbank, near Kinross – Lin Muirhead – Report 09/393**

Ms L Muirhead, applicant, followed by Mrs F Crawford, on behalf of 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. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
3. The proposed dwelling shall be no more than 1½ storeys in height and of a design which shall reflect the traditional architectural character of the area and the Council's approved Guidance on the Siting and Design of Houses in Rural Areas.
4. 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 curtilages of the dwellings.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

5. **Major site preparation works such as demolition of buildings, removal of roofs must be undertaken outwith the bird breeding season (i.e. not between 1 March and 31 August). If this is not possible, then it must be to the prior approval of the Planning Authority and a survey must be undertaken to confirm there are no nesting birds present. This survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist and must be undertaken prior to any works commencing on site.**
6. **No development shall take place within the application site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.**
7. **The new dwelling hereby approved shall not be occupied until the approved replacement foul drainage scheme for the property 'Hassenstressle', as detailed in the planning consent, ref 09/00841/FUL, has been fully installed and becomes operational.**

Justification

Although the proposal is contrary to Policy 64 of the Kinross Area Local Plan, nevertheless the development is considered to comply with the terms of the more recent Supplementary Planning Guidance of the Housing in the Countryside Policy 2005.

Procedural Note

No consent shall be issued until a Section 75 legal agreement is signed for the long term maintenance of the phosphate treatment plant.

Informatives

1. **The Executive Director (Education and Children's Services) can give no guarantee that any school age children arising from this development application could be accommodated at Kinross Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.**
2. **The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Advice on**

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is advised to consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
5. The applicant, developer, or agent, is advised to contact Dr Oliver O'Grady at Perth and Kinross Heritage Trust in connection with the requirements of Condition 6 and the Terms of Reference of the necessary written Scheme of Investigation.

Amendment (Councillors K Baird and I Campbell) – Refuse, on the grounds that the application is contrary to Policy 64 of the Kinross Area Local Plan and Housing and the Countryside Policy 2005.

Amendment – 4 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

- (4) **09/00933/FLL – PERTH – Bowerswell Memorial Homes, Bowerswell House, Bowerswell Road, Perth – Bowerswell Memorial Homes (Perth) Ltd – Report 09/394**

Mr G Dow, on behalf of the applicant, followed by Mr J Gray, on behalf of 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 Condition 3 being replaced as detailed below:

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. (Altered from that contained in Report 09/394). A detailed planting scheme shall be submitted for the further approval of the Planning Authority prior to the commencement of development, and development shall not commence prior to the approval of that scheme. The scheme shall include details of the compensatory planting for the removal of the sycamore tree, including the location, species, height, size and density of any tree or shrub to be planted. The scheme

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

as subsequently approved shall be carried out and completed within the first planting season following the removal of the tree; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Justification

The development is considered to be in accordance with the provisions of the Development Plan and raises no adverse impacts on neighbouring residential amenity.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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 application to Scottish Water Planning and 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.

Amendment (Councillors A Jack and C Gillies) – Refuse, on the grounds that the application would have an unacceptable impact on the amenity of the existing residential area, constitute overdevelopment and is of an inappropriate design.

Amendment – 4 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RE-CONVENED.

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

THE COMMITTEE UNANIMOUSLY AGREED TO CONJOIN THE FOLLOWING TWO APPLICATIONS.

- (5) **09/01004/FLL – LUNCARTY – Alterations and extension to nursing home at Luncarty House, Luncarty – Balhousie Care Group – Report 09/396**

Mr R Paul, agent on behalf of the applicant, followed by Mr A Scott, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

Resolved:

Refuse, for the following reasons:

1. The proposed development would be contrary to Policies 71 and 77 of the Perth Area Local Plan 1995.
2. The proposed extension by reason of its scale, bulk and massing would have a detrimental impact of the amenity of adjacent houses.
3. The proposed extension by reason of its scale, bulk and massing would have a detrimental impact on the character and amenity of the existing Category C(S) Listed Building.

(6) 09/01005/LBC – LUNCARTY – Alterations and extension to nursing home at Luncarty House, Luncarty – Balhousie Care Group – Report 09/397

Mr R Paul, agent on behalf of the applicant, followed by Mr A Scott, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposed development would be contrary to Policy 77 of the Perth Area Local Plan 1995.
2. The proposed extension by reason of its scale, bulk and massing would have a detrimental impact on the character and amenity of the existing Category C(S) Listed Building.

(7) 09/01091/FLL – SCONE – Formation of ball court with associated fencing and lighting at Recreation Park, Scone – Scone Village Association – Report 09/398

Mr S McMillan and Mr G Campbell, supporters of the application, 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 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. 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.
4. The hours of operation of any external floodlighting shall be restricted to between 08:00 and 21:30 hours.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
26 August 2009

5. All trees on site shall be protected prior to the commencement of works on site including the stripping of topsoil. All works shall be carried out in accordance with BS 5837: 2005 Trees in relation to construction.

Justification

The proposal is considered to comply with the terms of the Development Plan, and have no adverse impact on residential amenity and there are no material considerations which would influence otherwise.

Informative

An application for Building Warrant may be required.

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