

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 September 2007 at 9.30am.

Present: Councillors W Wilson, M Barnacle, K Lyall, R Band (excluding Art. 563(5) (substituting for Councillor J Kellas), L Caddell, I Campbell, E Howie, A Jack, W Lumsden, H McDonald and B Vaughan (substituting for Councillor M Lyle).

Apologies: Councillor E Grant.

In Attendance: N Brian, A Condliffe, A Fleming, B McNaughton and P Sweeney (all The Environment Service); C Elliott (Corporate Services) and Y Oliver (Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

558. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn by the applicant:

06/01687/FUL – GLENFARG – Proposed formation of 10 plots for dwellinghouses and formation of new children's play area at land to the north west of Gwendoline Road, Drunzie, Glenfarg – Drysdale Developments Ltd – Report 07/614.

559. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor R Band declared a non-financial interest in planning application 07/01137/OUT (Art. 563(5)).

560. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 22 August 2007 (Arts. 461-468) was submitted, approved as a correct record and authorised for signature.

561. 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.
04/02581/FUL	562(1)
06/02744/FUL	562(2)
06/02385/FUL	563(1)
07/00433/OUT	563(2)
07/00467/OUT	563(3)
07/01137/OUT	563(5)
07/01298/FUL (B)	563(6)
07/01299/FUL (A)	563(7)
07/01300/FUL (D)	563(8)
07/01301/FUL (C)	563(9)
07/01516/FUL	563(13)

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

562. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

(1) 04/02581/FUL – GREENLOANING – Erection of 15 dwellinghouses and conversion to form 6 dwellinghouses, garages, access roads and ancillary works at Rottearns Mill, Greenloaning – J Blair – Report 07/611

Mr T McDonald, agent, and Mr D Sharp, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

(A)

1. The development shall be begun within a period of five years from the date of this permission.
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 permission.
3. All matters regarding access, car parking, road layout, design and specification including street lighting and disposal of surface water shall be in accordance with the standards required by the Council.
4. Prior to the commencement of any conversion works, a full standing building recording of the building shall be carried out in consultation with the Area Archaeologist.
5. 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:
 - The nature, extent and type(s) of contamination on the site including any source, pathway receptor linkage
 - Measures to treat/remove contamination to ensure the site is fit for the use proposed
 - Measures to deal with contamination during construction works
 - Condition of the site on completion of remediation measures.Before any dwellinghouse is occupied the measures to remediate the site shall be fully implemented as approved by the Planning Authority.
6. The disposal of surface water shall be by means of a satisfactory sustainable urban drainage system to meet requirements of best management practices. The system shall be submitted for the approval in writing of the Council as Planning Authority prior to the commencement of works on site. The scheme as approved shall be implemented as part of this permission.
7. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Council as Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented as part of this permission.
8. Further details of the open space/landscape areas shall be submitted for the approval of the Council as planning authority. The scheme as approved shall then be implemented as part of the permission.

(B)

No planning consent should be issued until a Section 75 Agreement has been agreed between the Council and developer regarding the payment of a financial contribution in lieu of on site-provision for affordable housing and regarding play provision and open space maintenance.

The Committee unanimously agreed to add the following further condition:

9. The development shall not commence until the applicant has ensured that better performing pumps have been installed and the telemetry has been commissioned.

- (2) **06/02744/FUL – AUCHTERARDER – Demolition of existing workshop and erection of dwellinghouse at Bankhead, Auchterarder – Mr and Mrs E Fraser – Report 07/612**

Mrs T Fraser, applicant, addressed the committee, and, following her representation, withdrew to the public benches.

Motion (Councillors W Wilson and M Barnacle) – Refuse, for the reasons contained in Report 07/612.

Amendment (Councillors K Lyall and W Lumsden) – Grant, on the grounds that the proposal is not contrary to policies 1, 2 and 54 of the Strathearn Area Local Plan or the Council’s Housing in the Countryside Policy (December 2005) and subject to conditions to be formulated by the Development Quality Manager.

Amendment – 6 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

- (3) **07/01053/FUL – BLAIRGOWRIE - Erection of a telecommunications radio base station including ancillary cabinet and slimline column at footpath to the east of Douglas Road, Blairgowrie – O2 (UK) Ltd – Report 07/613**

N Brian, Development Quality Manager, advised the Committee that an additional information note should be included advising the applicant of the need to comply with the New Roads and Street Works Act 1991 with regard to installation.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of the 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 cabinet shall be set back as far to the rear of the footway as possible to provide the maximum possible clear width of footway;
4. A reflective strip shall be placed around the cabinet and monopole to the satisfaction of the Planning Authority prior to the operation of the installation;
5. The cabinet and monopole shall be coated with an anti-graffiti substance to the satisfaction of the Planning Authority prior to the operation of the installation.

The Committee unanimously agreed to add the information note advising the applicant of the need to comply with the New Roads and Street Works Act 1991 with regard to installation.

563. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **06/02385/FUL – PERTH – Proposed complete refurbishment work of existing hot food takeaway with provision for stated restaurant, new shop front, signage and erection of new ventilation duct at 1 Leonard Street, Perth – Mr and Mrs D Chan – Report 07/615**

Ms K Wilson, agent and Mr Chan, applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

Resolved:

Defer, for further discussions with the Environment Service on (i) the possible elimination of the duct and (ii) possible mitigation measures in relation to the duct.

(2) 07/00433/OUT – GLENFARG – Erection of housing (in outline) at land at Hilton of Duncricvie, Duncricvie, Glenfarg – Mr C Stewart – Report 07/616

N Brian, Development Quality Manager, advised the Committee that he had received two late letters with regard to the provision of passing places and asking for a maximum number of four houses. He recommended an additional condition with regard to the provision of passing places on the access road in the event of the application being approved.

Mr A Johnson, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design, number of units and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. 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. 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.
6. 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.
7. Visibility splays of 4.50m x 60.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the U66 prior to the occupation of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
8. 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.
9. Two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith.

10. As part of any reserved matters or detailed planning application the applicant shall submit in writing for approval of the Planning Authority a detailed Tree Survey, Landscape Management and Biodiversity Plan for the application site.
11. No trees on the application site shall be felled without the prior written approval of the Planning Authority.

The Committee unanimously agreed to add the following further conditions:

12. Intervisible passing places constructed to the standards and specification required by the Roads Authority shall be provided on the U66 Duncriveie-Hilton-Glendy Mill Road at locations to be agreed by the Council as Roads Authority to the satisfaction of the Planning Authority all prior to the commencement of any works on site.
13. Advanced warning signs to comply with sign No. 550.1 (accompanied horses or ponies likely to be in or crossing the road ahead) of the Traffic Signs Regulations and General Directions 2002 shall be positioned on the public road in places to be agreed in writing with the Roads Authority to the satisfaction of the Planning Authority and such signs and positions agreed shall be fully installed prior to the commencement of any works on site.

(3) 07/00467/OUT – KILLIN – Erection of additional holiday lodges, ancillary facilities, upgrading of access and landscaping (in outline) at Lochtay Highland Lodges, Killin – Lochtay Highland Lodges Ltd – Report 07/617

A Condliffe, Planning Officer, advised the Committee that amended plans had been notified to neighbours and no further representations had been received. The existing objections still stood.

Mr D Montgomery, agent, and Mr A Young, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:-
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. The submission of reserved matters referred to in condition 1 shall include a detailed landscaping and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where

appropriate. The scheme as subsequently approved shall be implemented as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority.

5. The detailed landscaping and planting scheme for the site shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. 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.
7. The submission of reserved matters referred to in condition no. 1 shall include details of pedestrian access through the application site, including additional or upgraded footpaths linking the north of the site to the south and loch shore.
8. All lodges shall not be occupied as the sole or main means of residence by any occupant at any time.
9. The staff lodges shall be occupied solely by a person or persons employed in the operation of the elements of the development which comprise the development approved under the terms of this consent.
10. The submission of reserved matters referred to in condition no. 1 shall include full details of the proposed foul and surface water drainage arrangements for the site.
11. The site shall be served by the existing private access which shall be provided with inter-visible passing places at approximately 100m centres. The access shall be provided with a bituminously bound surface to the satisfaction of the Planning Authority.
12. The vehicular access shall be formed in accordance with specification Type D, Fig 5.7 access detail to the satisfaction of the Planning Authority.
13. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
14. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
15. A minimum of one car parking space per chalet shall be provided within the site.
16. '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 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.
17. The submission of reserved matters referred to in condition no. 1 shall include details of all external lighting.
18. The submission of reserved matters referred to in condition no. 1 shall include detailed plans, sections and elevations of all buildings proposed to be erected or sited on the site, all earthworks together with details of the colour and type of materials to be used externally on walls and roofs and the location of adjacent trees. In particular these details shall include exact finished floor levels and ridge heights for the two chalets proposed at area E in relation to the existing adjacent chalets.
19. The submission of reserved matters referred to in condition no. 1 shall include details of all boundary enclosures for the site.
20. The submission of reserved matters referred to in condition no. 1 shall include a phasing schedule/programme for the development.
21. The submission of reserved matters referred to in condition no. 1 shall include a detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all roads and footpaths, the siting of the proposed lodges and other buildings, finished floor levels, new walls and fences, details of the proposed landscaping treatments and the phasing of the development.
22. The submission of reserved matters referred to in condition no. 1 shall include the submission of a fully detailed construction method statement

which shall be agreed in writing by the Council as Planning Authority. The details shall include:

- Pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - Storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
 - Construction site facilities, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.
23. The submission of reserved matters referred to in condition no. 1 shall include detailed information regarding the drainage strategy for the proposal (including sewerage treatment arrangements) outlining, to the satisfaction of SEPA, how it is intended to maintain the water quality of the River Tay SAC.
24. The submission of reserved matters referred to in condition no. 1 shall include detailed information on the works required on the area entitled 'form lagoon' on drawing no. 4361/C/01.
25. The submission of reserved matters referred to in condition no. 1 shall include details of the proposed future development and use of the existing riding school building.
26. The submission of reserved matters referred to in condition no. 1 shall include details of the proposed development of the existing restaurant/amenity building on the loch shore, with particular regard to exactly what facilities will be available in the building and any associated uses.

(4) 07/01066/REM – PERTH – Erection of a new 1 ½ storey detached dwellinghouse (Reserved matters of 06/00991/OUT) at 31 Muirton Bank, Perth – Miss B Tosh – Report 07/618

N Brian, Development Quality Manager, advised the Committee in the event of the application being approved, the applicant should be advised that the proposed development is in an area where we would anticipate natural gas generation is occurring, therefore the applicant, or agent acting on their behalf, should satisfy themselves when considering any future development that any proposed building is designed in such a way as to mitigate against the entry of gas.

Resolved:

Refuse, on the grounds that the design and height of the proposal is not in keeping with the character of the surrounding area.

COUNCILLOR R BAND LEFT THE MEETING AT THIS POINT.

(5) 07/01137/OUT – PERTH – Affordable studio apartments, mixed use commercial units and environmental improvements (in outline) at 65–77 Scott Street and 76–78 Canal Street, Perth – Scott Street Regeneration Group – Report 07/619

N Brian, Development Quality Manager, advised the Committee that a third reason for refusal should be added with regard to the lack of on-site parking.

Mr F Purdie, agent, Mr J Leask and Mr MacKenzie, both company representatives of an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal involves the demolition of a building which is identified as being of townscape importance in the Perth Central Area Local Plan 1997. Approval would therefore be contrary to Policy 11/Annex 1 of the Plan.

2. The site is unable to support a satisfactory level of residential amenity, due to potential noise impact from the adjacent public house, and approval would therefore be contrary to Policy 41 of the Perth Central Area Local Plan 1997.
3. The lack of on-site parking.

COUNCILLOR R BAND RE-ENTERED THE MEETING AT THIS POINT.

(6) (B) 07/01298/FUL – ABERFELDY – Conversion and extension of redundant steading block to form two holiday cottages at West Park Farm, Aberfeldy – Mr and Mrs C Thompson – Report 07/620

Mrs C Thompson, applicant, and Miss A Allighan and Mr D Montgomery, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The 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. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
4. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
5. 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.
6. New sections of wall shall be clad in natural stone to match the existing to the satisfaction of the Planning Authority.
7. Existing stonework shall be salvaged where possible and carefully set-aside for re-use in the development.
8. The proposed rooflights shall be metal framed, conservation style flush fitting rooflights to the satisfaction of the Council as Planning Authority.
9. A sample of the proposed slate to be used on the roof shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
10. A sample of the proposed larch cladding shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
11. The proposed core path shown in GREEN on the attached plan must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the first house is occupied/first unit is let.
12. Development shall not begin until the applicant or their agent has submitted to and had approved in writing by the Council as Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable to European and British Standards.
13. 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. The scheme shall include details of the height and slopes of any mounding or re-contouring 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 during the development of the site and

thereafter maintained unless otherwise agreed in writing with this Planning Authority.

14. 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.
15. All existing trees, with the exception of those shown on the approved plans for removal, shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.

(A) 07/01299/FUL – ABERFELDY – Demolition of former poultry units and the erection of 3 residential dwellinghouses at West Park Farm, Aberfeldy – Mr and Mrs C Thompson – Report 07/620

Mrs C Thompson, applicant, and Miss A Allighan and Mr D Montgomery, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors K Lyall and H McDonald) – 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 site shall be served by the existing private access which shall be provided with intervisible passing places at approximately 100m centres. The access shall be provided with a bituminously bound surface to the satisfaction of the Planning Authority.
4. The existing two vehicular accesses to the A827 public road shall be reformed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
5. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
6. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
7. '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 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. 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.
9. 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.
10. 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.
11. 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.

12. New sections of wall shall be clad in natural stone to match the existing to the satisfaction of the Planning Authority.
13. Existing stonework shall be salvaged where possible and carefully set-aside for re-use in the development.
14. The proposed rooflights shall be metal framed, conservation style flush fitting rooflights to the satisfaction of the Council as Planning Authority.
15. A sample of the proposed slate to be used on the roof shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
16. A sample of the proposed larch cladding shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
17. The proposed core path shown in GREEN on the attached plan must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the first house is occupied/first unit is let.
18. Development shall not begin until the applicant or their agent has submitted to and had approved in writing by the Council as Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable to European and British Standards.
19. 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. The scheme shall include details of the height and slopes of any mounding or re-contouring 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 during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
20. 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.
21. All existing trees, with the exception of those shown on the approved plans for removal, shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
22. No development or extensions whether or not permitted by virtue of Schedule 1, Part 1, Class 1 (enlargement, improvement or other alteration), Class 3 (development within curtilage) and Class 7 (means of enclosure) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

Amendment (Councillors I Campbell and W Wilson) – Refuse, on the grounds that the application is contrary to the Housing in the Countryside Policy 2005 in that it is on land that is not brownfield.

Amendment – 2 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

(D) 07/01300/FUL – ABERFELDY – Demolition of former agricultural building and erection of 2 dwellinghouses at West Park Farm, Aberfeldy – Mr and Mrs C Thompson – Report 07/620

Mrs C Thompson, applicant, and Miss A Allighan and Mr D Montgomery, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The 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 site shall be served by the existing private access which shall be provided with intervisible passing places at approximately 100m centres. The access shall be provided with a bituminously bound surface to the satisfaction of the Planning Authority.
4. The existing two vehicular accesses to the A827 public road shall be reformed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
5. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
6. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
7. '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 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. 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.
9. 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.
10. 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.
11. 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.
12. New sections of wall shall be clad in natural stone to match the existing to the satisfaction of the Planning Authority.
13. Existing stonework shall be salvaged where possible and carefully set-aside for re-use in the development.
14. The proposed rooflights shall be metal framed, conservation style flush fitting rooflights to the satisfaction of the Council as Planning Authority.
15. A sample of the proposed slate to be used on the roof shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
16. A sample of the proposed larch cladding shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
17. The proposed core path shown in GREEN on the attached plan must not be obstructed during building works or on completion. Any damage done to the

- route during building works must be made good before the first house is occupied/first unit is let.
18. Development shall not begin until the applicant or their agent has submitted to and had approved in writing by the Council as Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable to European and British Standards.
 19. 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. The scheme shall include details of the height and slopes of any mounding or re-contouring 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 during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
 20. 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.
 21. All existing trees, with the exception of those shown on the approved plans for removal, shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
 22. No development or extensions whether or not permitted by virtue of Schedule 1, Part 1, Class 1 (enlargement, improvement or other alteration), Class 3 (development within curtilage) and Class 7 (means of enclosure) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

An amendment by Councillor I Campbell to refuse the application, on the grounds that it is contrary to the Housing in the Countryside Policy 2005 in that it is on land that is not brownfield, failed to secure a Seconder and the amendment accordingly fell.

(C) 07/01301/FUL – ABERFELDY – Demolition of large agricultural sheds and the erection of 3 dwellinghouses at West Park Farm, Aberfeldy – Mr and Mrs C Thompson – Report 07/620

Mrs C Thompson, applicant, and Miss A Allighan and Mr D Montgomery, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The 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 site shall be served by the existing private access which shall be provided with intervisible passing places at approximately 100m centres. The access shall be provided with a bituminously bound surface to the satisfaction of the Planning Authority.

4. The existing two vehicular accesses to the A827 public road shall be reformed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
5. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
6. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
7. '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 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. 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.
9. 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.
10. 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.
11. 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.
12. New sections of wall shall be clad in natural stone to match the existing to the satisfaction of the Planning Authority.
13. Existing stonework shall be salvaged where possible and carefully set-aside for re-use in the development.
14. The proposed rooflights shall be metal framed, conservation style flush fitting rooflights to the satisfaction of the Council as Planning Authority.
15. A sample of the proposed slate to be used on the roof shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
16. A sample of the proposed larch cladding shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
17. The proposed core path shown in GREEN on the attached plan must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the first house is occupied/first unit is let.
18. Development shall not begin until the applicant or their agent has submitted to and had approved in writing by the Council as Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable to European and British Standards.
19. 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. The scheme shall include details of the height and slopes of any mounding or re-contouring 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 during the development of the site and

- thereafter maintained unless otherwise agreed in writing with this Planning Authority.
20. 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.
 21. All existing trees, with the exception of those shown on the approved plans for removal, shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
 22. No development or extensions whether or not permitted by virtue of Schedule 1, Part 1, Class 1 (enlargement, improvement or other alteration), Class 3 (development within curtilage) and Class 7 (means of enclosure) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

An amendment by Councillor I Campbell to refuse the application, on the grounds that it is contrary to the Housing in the Countryside Policy 2005 in that it is on land that is not brownfield, failed to secure a Seconder and the amendment accordingly fell.

(7) 07/01375/OUT – BLAIRADAM – Residential development on part of farm steading including removal of some obsolete farm buildings (in outline) at Dullomuir Farm, Blairadam, Keltney Bridge, Kelty – GRS Estates Ltd – Report 07/621

N Brian, Development Quality Manager, advised the Committee that whilst paragraph 2 of page 1 of Report 07/621 states that the sheds had been demolished, this was not the case.

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:-
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;
 whichever is the latest.
3. The development to which this permission relates must be begun not later than:
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
5. 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.
6. The indicative layout on drawing reference DFBK/OUT/01 including the number of units is not approved.

(8) 07/01446/REM – BRIDGE OF EARN – Erection of 14 dwellinghouses, including roads and boundary treatments (reserved matters) at Station Yard, Station Road, Bridge of Earn – Boyack Homes – Report 07/622

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun no later than two years from the date of this consent or five years from the date of the outline consent, whichever is the later.
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. 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 Station Road and implemented prior to the occupation of houses.
5. Two parking spaces shall be provided within the curtilage of each site to the satisfaction of this Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith.
6. 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.
7. 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 in consultation with Network Rail.
8. 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.
9. 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.
10. 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.
11. A minimum 1.8m high trespass-proof fence which could be either a Network Rail specified 1.8m high 'rivetless palisade' or 'expanded mesh' fence must be erected adjacent to the Network Rail's boundary and shall be maintained to the satisfaction of the Planning Authority and Network Rail. Network Rail's existing boundary measure must not be removed without prior permission of this Planning Authority and Network Rail.
12. Any trees / shrubs to be planted adjacent to the railway boundary should be positioned a minimum distance from the boundary which is greater than their predicted mature height.

13. No buildings / structures shall be erected within 2m of Network Rail's boundary.
14. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority and Network Rail 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 re-contouring 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 houses; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority in consultation with Network Rail.
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
 - (iv) condition of the site on completion of decontamination measures.
16. Prior to the occupation of the dwelling houses the measures to decontaminate the site as approved by the Council as Planning Authority shall be fully implemented.

The Committee unanimously agreed to add the following further conditions:

17. Prior to commencement of development, landscape details for proposed beech hedging and post and wire fence should be submitted for the approval of the Planning Authority i.e. scaled construction drawings. This planting to the park boundary should be carried out during the first planting season following road construction within the site to establish an early screen to the park. This boundary treatment would be subject to 12 months establishment maintenance and defects liability, requiring the developer to restock any plant failures prior to handover. This would also apply to the planted area at the site entrance, if this is to be adopted by Perth and Kinross Council. The Council will not accept responsibility for boundary fences.
18. Works along the mutual park boundary should be subject to a health and safety risk assessment and working permit obtained from the Council to access the margins of the park for this purpose. Any damage to ground surfaces within the park shall be re-instated to the Council's approval. No vehicles or materials associated with the development work should otherwise be within the public park.
19. A central pedestrian access point shall be formed to the park, compliant with the requirements of the Disability Discrimination Act 1995, recognising the obvious desire line to the adjacent recreational facilities and providing a safe link to the play area for children residing within the development.
20. Southern boundary fence to be stained dark brown (e.g. RAL 8017) to mute impact on the surrounding landscape.
21. A full tree survey 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. This survey shall detail all the trees on the site and those to be retained and those to be removed shall be clearly indicated. The method of protection for the retained trees shall be clearly detailed in the survey.
22. Prior to the commencement of development a long term maintenance strategy for all landscape areas shall be submitted for the approval of the Planning Authority.

(9) 07/01508/OUT – STANLEY – Erection of one house (in outline) at Land at Muirside, Kinclaven, Stanley – Mr and Mrs Milne – Report 07/623

A Condliffe, Planning Officer, advised the Committee that in paragraph 7 on page 2 of Report 07/623 the wording should be changed to “the Committee did indicate that it may grant consent if the applicant re-applied on the basis of one house only” and in paragraph 12 on page 3 the words “and any other subsequent house” be inserted between the words “house” and “would” on the seventh line.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 32 relating to Housing in the Countryside in the Perth Area Local Plan 1995 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 and [f] operational need.
2. The proposals are contrary to the Council's December 2005 policy relating to Housing in the Countryside where it relates to building groups, as it does not constitute an identifiable site with established boundaries, nor does it fall within the definition of a 'brownfield site' as detailed in the policy.
3. Additional development would be detrimental to road safety interests because the private unbound access serving the site is narrow, in poor condition, has limited opportunities for vehicles to pass one another and meets the C406 public road at a junction which is seriously substandard with regards visibility, especially to the left.

(10) 07/01516/FUL – PITLOCHRY – Change of use from restaurant to restaurant and public house at 154 Atholl Road, Pitlochry – Mr A McArthur – Report 07/624

Mr A McArthur, applicant, 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 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 music and vocals, amplified or otherwise, shall be controlled as to be inaudible within any neighbouring premises.
4. No amplified sound shall be permitted outside the premises.
5. No alterations shall be carried out to the interior or exterior until listed building consent and, and if necessary, planning permission has been granted.