

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
11 February 2009

## **DEVELOPMENT CONTROL COMMITTEE**

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 11 February 2009 at 9.30 am.

Present: Councillors W Wilson, J Law (substituting for Councillor K Lyall), R Band, L Caddell, I Campbell, E Grant, A Jack, J Kellas, W Lumsden, M Lyle (excluding Art. 72(5)), H McDonald and S Miller.

In Attendance: N Brian, A Condliffe, L Darling (up to and including Art. 72(5)), B McNaughton, A Fleming, K Stirton, I Wallace (up to and including Art. 72(5)) (all The Environment Service); G Fogg (Corporate Services) and P Frazer (Chief Executive's Service).

Apology for Absence: Councillors K Lyall and A MacLellan.

Councillor W Wilson, Presiding.

### **69. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillor M Lyle declared a non-financial interest in Art. 72(5).

### **70. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Control Committee of 14 January 2009 (Arts. 6-9) was submitted, approved as a correct record and authorised for signature.

### **71. DEPUTATIONS**

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

Planning Application No.	Article No.
07/01040/FUL	72(1)
08/00278/OUT	72(2)
08/01300/FUL	72(3)
08/02105/FUL	72(5)
08/02188/FUL	72(7)

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

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**72. PLANNING APPLICATIONS FOR DETERMINATION**

- (1) **07/01040/FUL – DUNNING – Erection of 15 two storey villas, 6 atelier single storey bungalows/work from home office, 8 2 bedroom single storey affordable bungalows and 3 business units (class 4) at land to the south of Latch Burn Wynd, Dunning – Gask Properties Ltd – Report 09/78**

N Brian, Development Quality Manager, drew the Committee's attention to Paragraph 19 of Report 09/78 which stated that SEPA had changed its initial "no objection" to an objection as there was no connection to Scottish Water's assets confirmed. He therefore advised the Committee that should they be mindful to approve, the application would be required to be referred to the Scottish Government.

Mr J Turnbull, applicant and Mr D Moore, consultant, both in support of the application and Mr A King and Mr D Fossett, both 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 proposal is contrary to Policy 32 and Annex 1 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 and the Housing in the Countryside Policy 2005 as it does not meet any of the criteria to justify the new housing in the landward area.
2. The proposal is contrary to Policy 2 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as it represents development adjoining a settlement subject of an inset map within the Local Plan.
3. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as a satisfactory access on to Muckhart Road cannot be established for the business units.
4. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as the layout and design of the scheme is out of character with the pattern of building in the surrounding area and the proposal would have an unacceptable landscape impact in the wider context.
5. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as there is insufficient capacity at the local primary school to accommodate the development.
6. The proposal is contrary to Sustainable Communities Policies 4 and 6 of the Perth and Kinross Structure Plan 2003 as it does not comply with the requirements of these policies in terms of projected housing numbers for the area or the criteria for assessing the housing allocations for smaller settlements.

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**(2) 08/00278/OUT – KINROSS – Erection of 9 affordable dwellinghouses and formation of 3 house plots (in outline) at land northwest of Hatchbank Farm, Kinross – Mr G Muirhead – Report 09/79**

Mr W Ross, agent on behalf of the applicant, and Mrs F Crawford, 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 proposed development is contrary to Policies 2 and 64 of the Kinross Area Local Plan 2004 in that the development would fail to satisfy the appropriate criteria relating to development criteria and the location of housing development in the countryside.
2. The proposed development is contrary to the Council's Housing in the Countryside Policy 2005 in that the development would not satisfactorily meet any of the required criteria.

**(3) 08/01300/FUL – KINROSS – Change of use of land from agricultural to leisure and recreation use - Autograss Track at land to the east of Tillyochie Mains, Kinross – Central Scotland Autograss Track – Report 09/80**

Mr A Dunn, applicant, and Mr R T Hutton, 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 is contrary to Policy 2(c) of the Kinross Area Local Plan 2004 as the noise generated from the proposed use could cause a significant loss of amenity to the local community and the applicant has failed to demonstrate otherwise.
2. The proposal is contrary to Policy 3 of the Kinross Area Local Plan 2004 as the Health and Safety Executive has indicated that the development's proximity to the oil and gas pipelines would put a significant number of people at risk.
3. The proposal is contrary to Policy 51 of the Kinross Area Local Plan 2004 as the proposal conflicts with other policies in the Local Plan and would have a detrimental affect on the amenity of the countryside due to noise disturbance.
4. The development would be contrary to SPP 15 Rural Development in that the applicant has failed to demonstrate that the economic advantages would be sufficient to outweigh any potential environmental impacts.

FOLLOWING A 15 MINUTE RECESS THE COMMITTEE RECONVENED.

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**(4) 08/01803/FUL – EASTER BALGEDDIE – Erection of dwellinghouse at Balneathill House, Easter Balgeddie, By Kinnesswood – Mr and Mrs Foniciello – Report 09/81**

There was tabled a memorandum from the Environmental Health Manager, which recommended to refusal of the application due to loss of amenity arising from nearby/neighbouring land use, under the Code of Good Practice "Prevention of Environmental Pollution from Agricultural Activity".

**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. Prior to the occupation or use of the approved development, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter.
4. Prior to the occupation or use of the approved development a minimum of 2 car parking spaces shall be provided within the site and shall be maintained permanently thereafter.
5. All recommendations contained within the submitted "Tree Survey and Arboricultural Report" dated November 2008 shall be fully undertaken to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of development, details of the proposed new planting as outlined in the Tree Report shall be submitted and agreed in writing by the Council as Planning Authority.
7. 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.
8. A Right Of Way (Dryside Road) runs along the southern boundary and access to the development. The track shall be kept free from obstruction during building works and on completion of the development and any damage done to the route shall be reinstated to the satisfaction of the Council as Planning Authority prior to the sale or occupation of the dwellinghouse.
9. Details of the specification and colour of the proposal shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The details 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

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commencement of the development/use and such scheme as may be approved shall be completed prior to the occupation of the development.

Procedural Notes:

1. Consent shall not be issued until a Section 75 Agreement has been completed and signed in respect of the following issues:
  - Secure 125% phosphorus reduction in perpetuity.
2. Consent shall not be issued until the following commuted sum is paid:
  - Contribution to Core Path Network - £2,000.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM COUNCILLOR M LYLE WITHDREW FROM THE CHAMBERS AT THIS POINT.

**(5) 08/02105/FUL – MUTHILL – Change of use from agricultural unit to storage and distribution (Class 6) (in retrospect) at Caerlaverock Farm, Muthill – Mr I Bayne – Report 09/82**

N Brian, Development Quality Manager, drew the Committee's attention to Page 66, Item B of the Agenda, advising that if the Committee resolved to refuse planning permission then it would be required to decide if it would also be appropriate to instigate enforcement action to obtain the cessation of unauthorised use.

N Brian advised the Committee that should consent be granted it would apply only to the site and buildings for the purpose of storage and distribution.

Mr K Doe, agent on behalf of the applicant, and Dr P Ewing and Mr B Kirkland, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Wilson and I Campbell) - Refuse, for the following reasons:**

1. **The proposed use would be detrimental to the residential amenity of the neighbouring properties by reason of noise generation and hours of operation.**
2. **The proposal constitutes a threat to road safety in relation to the access and egress to the site, traffic circulation in the immediate vicinity of the site and the inadequacy of the local road network.**
3. **The proposal is unsustainable rural development contrary to SPP15.**

Amendment (Councillors J Kellas and S Miller) – Grant, subject to the conditions contained in Report 09/82.

Motion – 7 votes

Amendment – 4 votes

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**Resolved:**

In accordance with the Motion.

COUNCILLOR M LYLE REJOINED THE MEETING AT THIS POINT.

**(6) 08/02116/FUL – PERTH – Erection of a dwellinghouse at Fearnside, 95 Fairies Road, Perth – Cherie Keith – Report 09/83**

**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 existing boundary planting shall be retained and maintained to the satisfaction of the Planning Authority.
4. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with the Council's Roads Development Guide Type B Figure 5.6 access detail 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 carriageway and the access shall be constructed so that no surface water is discharged to the public highway.
6. Two off-street car parking spaces shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling and permanently maintained thereafter.
7. Prior to the commencement of construction, details shall be submitted for the approval of the Planning Authority of the proposed re-engineering of site levels (ie. to indicate existing site levels, proposed site levels and proposed finished floor levels) throughout the site and the approved details shall then be implemented to the satisfaction of the Planning Authority.

**Informatives:**

1. No work shall be commenced until an application for building warrant has been submitted and approved.
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 the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. 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 & Development Services team for permission to

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connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

**(7) 08/02188/FUL – CRIEFF – Erection of four flats and one commercial office at gap site at Comrie Street, Crieff – Braemore Estates – Report 09/84**

Mr M Myles, agent on behalf of the 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, unless otherwise provided for by conditions imposed on the planning consent.
3. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on two sides by the first 2 metres of the centreline of the access driveway (the set back dimension) and the rear of the footway adjacent to the trunk road and measured 2 metres (the y dimension) in both directions from the centreline of the access where it meets the footway. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of 1.05 metres positioned at the set back dimension to an object height of 0.6 metres at the y dimension.
4. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the access and car park shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge on to the trunk road.
5. The proposed means of access to the trunk road shall be constructed to a layout and type of construction to be approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced.
6. There shall be provided in the curtilage of the site 5 parking spaces and an adequate and unobstructed turning area all prior to the occupation of the development and maintained permanently thereafter.

**Informatives:**

1. The applicant is advised that the Executive Director of Education and Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Crieff Primary School. This will result in such

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children being placed in the nearest school with capacity to accommodate them.

2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicants are reminded of the duty imposed on them by Sections 4 and 5 and 7 to 8A of the Chronically Sick and Disabled Persons Act, 1970 requiring any person providing premises (including sanitary conveniences) which are to be open to the public to make provision, where reasonable and practicable, for the means of access and parking to be designed to meet the needs of disabled people, with appropriate signposting and indicating the availability of the facilities. The attention of the applicants is drawn specifically to the BSI Code of Practice on Access for the Disabled to Buildings (BS5810:1979).
4. The applicant is requested 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 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 & 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.
6. The developer is advised to contact the Council's Community Waste Adviser in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.
7. In issuing planning permission the applicant should note that the permission does not carry with it the right to carry out works within the trunk road boundary and that he must consult with the Transport Scotland Trunk Roads Network Management Division through its Management Organisation (Scotland TranServ, Broxden House, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved (new access to Trunk Road and any temporary works associated with the construction of the building).

- (8) 08/02295/OUT – KILLIN – Erection of new environmental visitor centre with associated car parking and formation of new access (in outline) at land to the north of A827, Killin – T B Allen – Report 09/85**

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

1. **The following reserved matters, the siting, design and external appearance of the development, the landscaping of**

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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 should include additional planting of native tree species (in groups and single specimens) around the car park and visitor centre. 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. 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.
6. The submission of reserved matters referred to in Condition 1 shall include full details of the proposed foul and surface water drainage arrangements for the site.
7. The submission of reserved matters referred to in Condition 1 shall include detailed plans for night time lighting of the proposed development. These plans should be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level.
8. The submission of reserved matters referred to in Condition 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

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location of adjacent trees. These detailed plans shall be based upon drawings TA/P/003 and TBA/004.

9. The submission of reserved matters referred to in Condition 1 shall include full details of the proposed car parking area and access track, including finishing materials and landscaping.
10. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type D, Fig 5.7 access detail to the satisfaction of the Planning Authority.
11. Prior to the occupation or use of the approved development the public road over a length of 15.00m immediately adjacent to the access shall be widened to a minimum of 6.00m.
12. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
13. Full visibility splays of 3.00m by 180.00m shall be provided to the right and left of the access measured between points 1.00m above the adjacent road channel level.
14. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear
15. Prior to the occupation or use of the approved development adequate car and bus parking spaces shall be provided within the site to the satisfaction of the Planning Authority.
16. Prior to the occupation or use of the approved development secure waterproof cycle parking facilities shall be provided within the site to the satisfaction of the Planning Authority.
17. Prior to the occupation or use of the approved development 'Pick up and drop off' areas for school children / 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.

And an additional condition as follows:

18. Submission of Reserved Matters referred to in Condition 1 shall include a more detailed business plan incorporating projected visitor numbers.

Amendment (Councillors I Campbell and J Law) – Refuse, on the grounds that the application is contrary to:

1. SPP 15 – Failure to provide a full and detailed business plan; and
2. Highland Area Local Plan 2000, Policy 1 – Sustainable development.

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Amendment – 2 votes

Motion – 10 votes

**Resolved:**

In accordance with the Motion.

Informatives:

1. The applicant should be aware that any remote cameras proposed to be used to view wildlife in the visitor centre would require a license in order to comply with current wildlife legislation. The applicant is advised to contact Scottish Natural Heritage who can provide further advice on obtaining this license.
2. The applicant should be 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

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