

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
10 December 2008

## **DEVELOPMENT CONTROL COMMITTEE**

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 10 December 2008 at 9.30 am.

Present: Councillors W Wilson; K Lyall; R Band, L Caddell (excluding Art. 699(5)); I Campbell, A Jack, J Kellas, W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: Councillors C Shiers and B Ellis (up to and including Art. 699(2)); R Bean, N Brian, A Condliffe, B McNaughton, A Fleming, L Melville and K Stirton (all The Environment Service); C Elliott (Corporate Services) and Y Oliver (Chief Executive's Service).

Apology for Absence: Councillor E Grant.

Councillor W Wilson, Presiding.

### **696. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillor L Caddell declared a non-financial interest in Art. 699(5).

### **697. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Control Committee of 19 November 2008 (Arts. 630-634) was submitted, approved as a correct record and authorised for signature.

### **698. DEPUTATIONS**

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

Planning Application No.	Article No.
08/01335/REM	699(2)
08/01561/FUL	699(4)
08/01965/FUL	699(5)

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

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**699. PLANNING APPLICATIONS FOR DETERMINATION**

- (1) **08/01320/FUL – PITLOCHRY – Demolition of greenhouses and erection of 39 sheltered apartments, car parking and landscaping at former greenhouses, Station Road, Pitlochry – McCarthy and Stone (Dev) Ltd – Report 08/645**

N Brian, Development Quality Manager, advised the Committee that, should it be minded to approve this application, an additional informative would be added to the consent advising of the comments received from Network Rail regarding legal requirements for the development.

**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 plans attached to the application and approved by the Committee, unless otherwise provided for by conditions imposed on the planning consent.
3. All existing trees on the site shown as being retained on drawing 1660.PL1.10 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.
4. Any landscape 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.

Procedural Notes:

Permission will not be issued until the requisite financial contribution to enable the securing of the affordable housing site has been paid or a Legal Agreement has been completed and signed.

- (2) **08/01335/REM – BLAIRGOWRIE – Erection of 13 dwellinghouses at Burnhead Paddock, David Street, Blairgowrie – West Residential Limited – Report 08/646**

Mr M Donachie, applicant, and Ms E Mason, 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, Councillors C Shiers and B Ellis, elected members representing Ward 3, addressed the Committee.

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**Resolved:**

**Grant**, subject to Condition 5 beginning with the words "Prior to the occupation of the dwellings" and 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 plans attached to the application and approved by the Committee, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of any works on site precise details of a footpath link between David Street and Burnhead Road shall be provided, to the satisfaction of the Council as Planning Authority. The agreed details shall be implemented in full prior to the occupation of any of the dwellings.
4. All roads and associated works (including any street lighting) shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation of the dwellings.
5. Prior to the occupation of the dwellings, all matters regarding access, car parking, roads 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 Council as Planning Authority.
6. Prior to the commencement of any works on-site precise details of all external wall and roof finishes shall be submitted for the approval, in writing, by the Council as Planning Authority.
7. Prior to the commencement of any works on-site precise details of all boundary treatments shall be submitted for the approval, in writing, by the Council as Planning Authority.
8. Prior to the commencement of any works onsite a detailed planting and landscaping scheme shall be submitted for the approval of the Council as Planning Authority. This scheme, thereafter approved, shall be implemented in full prior to the occupation of the first dwellinghouse and all planting thereafter retained (and replaced if necessary) for perpetuity.
9. Surface water drainage for plots 11, 12 and 13 shall be connected into the water drainage system, unless otherwise agreed, in writing, by the Council as Planning Authority.
10. Prior to the commencement of any works on-site precise details of the surfacing material on all access roads and driveways shall be submitted for the approval, in writing, by the Council as Planning Authority.

**Procedural Notes:**

No consent shall be issued until a financial payment has been made for the off-site play provision or an appropriate legal agreement has been concluded for a delayed payment.

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Additional Information:

1. With regard to Condition 8, the detailed planting and landscaping scheme referred to therein should be submitted for the written approval of the Council as Planning Authority in consultation with the local elected members for Ward 3.
2. With regard to Condition 9, information on the surface water drainage and the public drainage system should be made available on the Public Access website.
3. Prior to the commencement of any works, the applicant shall consult with The Environment Service in connection with the possibility of a recycling site within the development.
4. Prior to the commencement of any works on site the applicant shall consult with The Environment Service in connection with the possibility of street-lighting within the development being of similar nature to the surrounding street-lighting.

COUNCILLORS C SHIERS AND B ELLIS LEFT THE MEETING AT THIS POINT.

**(3) 08/01458/FUL – OUDENARDE – Erection of 75 affordable dwellinghouses at Clayton Road, Oudenarde – Hillcrest Housing Association – Report 08/647**

N Brian, Development Quality Manager, drew the Committee's attention to Paragraph 31 of Report 08/647 which stated that the applicant was required to pay for the transportation of children arising from the development to Caledonian Road Primary School until the new Oudenarde Primary School was operational, and advised the Committee that this was not, in fact, the case. Any children requiring transportation for education purposes would be conveyed at the Council's expense to an appropriate educational facility in Perth.

N Brian also requested that, should the Committee be minded to approve the application, an additional condition be inserted to the effect that the application is for affordable housing.

**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 plans attached to the application and approved by the Committee, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to commencement of the development 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. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

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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 type(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. Prior to commencement of work on the site, a fully detailed landscaping plan, including details of all hard and soft surfaces and boundary treatments, and all planting shall be submitted and approved, in writing, by the Planning Authority. The scheme, as approved, shall be fully implemented prior to the occupation of any of the units.
7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the satisfaction of the Planning Authority.
8. The development shall not commence until a scheme for protecting the dwellings from road and rail noise has been submitted and approved, in writing, by the Planning Authority and all works which form part of the scheme are completed to the satisfaction of the Planning Authority before occupation of the development hereby approved.

The Committee unanimously decided to the addition of the following condition:

9. All the housing hereby approved shall be affordable housing and administered by a Registered Social Landlord to the satisfaction of the Planning Authority.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

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- (4) **08/01561/FUL – BLAIRINGONE – Formation of an equestrian centre including utility shed, indoor riding school, stables, erection of 4 chalets/cottages and 7 dwellinghouses all with associated car parking at Easter Muirhead Farm, Blairingone – R Brady – Report 08/648**

N Brian, Development Quality Manager, addressed the Committee on the following:

Condition 5 – this condition referred to two existing cottages on the site which are not part of this application. He therefore requested that, should the Committee be minded to approve the application, a Section 75 Agreement be entered into in respect of regulating the occupancy of those two existing cottages.

Condition 9 – Landscape Statement - with additional planting on the periphery, the Committee was asked to agree to further details of planting being requested, should the application be approved.

Condition 10 – Vehicular accesses to the equestrian centre - the Committee was asked to agree that the following additional words be inserted, at the beginning of the Condition, should they be minded to approve the application – “Prior to the occupation or use of any part of the approved development,.....”

Condition 16 – this condition referred to turning facilities being provided and the Committee was asked to agree to the words “Prior to occupation....” being added, should the application be approved.

Ms S Thomson, agent on behalf of the applicant, and Mr N Anness, 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 J Kellas) – Grant, subject to the following conditions and the requested amendments to the conditions being made as follows:**

- 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 plans attached to the application and approved by the Committee herewith, 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.**

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4. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use and such scheme as may be approved shall be completed prior to the occupation of the development.
5. The chalets/cottages shall be used solely for visitor/holiday accommodation only and shall not be occupied as the sole or main residence of the occupant.
6. The occupation of the two tied managers' houses shall be limited to a person employed or last employed in agricultural/equestrian work at Easter Muirhead or a dependent of such a person residing with him or her (but including a widow or widower of such a person).
7. Prior to the commencement of development a detailed documented foul drainage plan shall be submitted for the approval of the Planning Authority in consultation with SEPA.
8. The development shall be carried out in accordance with the phasing plan approved as part of this consent to the satisfaction of the Planning Authority.
9. The recommendations of the Landscape Statement by David Wilson Associates, dated July 2008, shall be fully implemented to the satisfaction of the Planning Authority. For the avoidance of doubt, additional landscape planting on the periphery of the site shall be provided in accordance with a landscaping scheme to be lodged for the prior approval of the Planning Authority. The scheme, as agreed, shall be implemented during the first planting season following the commencement of the development.
10. Prior to the occupation or use of any part of the approved development the vehicular accesses to the equestrian centre shall be formed in accordance with specification type E, Fig 5.8 access detail to the satisfaction of the Planning Authority.
11. The gradient of the accesses referred to in Condition 10 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.
12. Prior to the occupation or use of the approved development the U213 public road ex adverso the south boundary of the site shall be widened to a minimum of 5.00m.
13. Prior to the occupation or use of the approved dwellinghouses the vehicular accesses to these dwellinghouses 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.

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14. **The gradient of the accesses referred to in Condition 13 shall not exceed 3% for the first 5.00 metres measures back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.**
15. **Prior to the occupation of the development passing places shall be provided on the U213 at locations to be agreed by the Council as Roads Authority to the satisfaction of the Planning Authority.**
16. **Prior to the occupation of the development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.**
17. **Adequate off-street parking spaces shall be provided within the site prior to the occupation or use of the approved development. Details of the proposed car parking layout shall be submitted for the approval of the Council, as Planning Authority, within one month of the date of this consent or as may otherwise be agreed in writing with the Planning Authority.**

Amendment (Councillors M Lyle and A Jack) – Refuse, on the grounds that the application is contrary to:

1. SPP2 – Economic Development which encourages new businesses, not expansion where there is cross-funding;
2. SPP15 – Rural Development in that the proposed housing would be on a greenfield site; and
3. the Kinross Area Local Plan 2004, Policy 64 Housing in the Countryside Policy 2005.

Amendment - 3 votes

Motion - 8 votes

**Resolved:**

In accordance with the Motion.

Procedural Note:

Consent shall not be issued until:

- (i) contributions are received or a legal agreement is signed by the applicant for payment in connection with affordable housing and upgrading of the local path network;
- (ii) a legal agreement in relation to the occupancy of the two existing cottages is signed by the applicant.

COUNCILLOR L CADDELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE MEETING AT THIS POINT.

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**(5) 08/01965/FUL – DUNNING – Erection of additional accommodation for residential home (class 8) with integral link to existing building at Kippen House Private Nursing Home, Dunning – Guardian Care (UK) Limited – Report 08/649**

A Condliffe, Applications Team Leader, advised the Committee that there had been received 17 letters of representation from 15 households, not 27 from 15, as stated in Report 08/649.

Mr N Gardner, agent on behalf of the applicant, and Mr A Bartholomew, on behalf of the objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Wilson and M Lyle) – Refuse, on the grounds that the design, scale and bulk of the proposed building would have an adverse impact on the existing site and the wider landscape and area.**

Amendment (Councillors K Lyall and S Miller) – Grant, subject to conditions contained in Report 08/649.

Amendment - 4 votes

Motion - 6 votes

**Resolved:**

In accordance with the Motion.

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