

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Ballroom, Station Hotel, Leonard Street, Perth on Wednesday 25 April 2007 at 9.30am.

Present: Councillors Lumsden, Caddell (excluding Art. 266(1)), Barnacle, E Grant, Howie, Hulbert, Livingstone (up to and including Art. 268(6)), Lyall (up to and including Art. 268(5)), MacLellan (excluding Arts. 269(1), (2) and (8)-(21) inclusive and Art. 270), McDonald (up to and including Art. 268(5)); McEwen, Wilson (substituting for Stewart, excluding Art. 268(3)) and Young.

In Attendance: Councillors Barrett (up to and including Art. 266(1)); J Irons (Depute Chief Executive and Executive Director (Environment) (up to and including Art. 269(2)); I Sleith, R Bean; A Fleming, B McNaughton, D Niven and A Deans (all The Environment Service); C Elliot (Corporate Services); P Munro (up to and including Art. 268(2)), S Watson (from Art. 268(3)), Y Oliver and A Brown (both Chief Executive's Service).

Apology for Absence: Councillor Stewart.

Councillor Lumsden, Convener, Presiding.

262. WITHDRAWAL OF APPLICATIONS

(a) The Committee noted that the following planning applications had been withdrawn from the agenda:

- (1) **06/02088/FUL – BRACO – Extension to existing sand and gravel workings at a site at Braco Castle Farm, Braco – Mr J McCaig - Report 07/304**
- (2) **06/02089/MW – BRACO – Extension to existing sand and gravel workings at a site at Braco Castle Farm, Braco – Mr J McCaig - Report 07/305**

(b) The Committee noted that the following planning applications had been withdrawn:

- (1) **06/02361/FUL – FORGANDENNY – Conversion of existing steading with extension to form 2 houses and erection of 2 new dwellinghouses with one detached garage/stable block at Boatmill Farm, Forgandenny – Mr Alexander Hamilton - Report 07/321**
- (2) **07/00091/FUL – KINLOCH – Erection of 2 dwellinghouses on land at Balcairn, Kinloch – Mr G Burke - Report 07/325**

263. DECLARATIONS OF INTEREST

In terms of the Councillor's Code of Conduct, Councillor Caddell declared a non-financial interest in planning application 06/02346/OUT (Art. 266(1)).

264. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 11 April 2007 (Arts. 257-261) was submitted, approved as a correct record and authorised for signature.

265. 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.
07/00045/FUL	266(2)
06/02437/FUL	268(1)
06/01975/FUL	269(1)
06/02745/FUL	269(2)
07/00120/FUL	269(3)
05/02418/OUT	269(5)
06/01755/FUL	269(6)
06/02056/FUL	269(7)
06/02629/FUL	269(12)
06/02558/FUL	269(16)
06/02624/FUL	269(17)

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

266. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

COUNCILLOR CADDELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, IN TERMS OF STANDING ORDER 6, WITHDREW FROM THE MEETING AND LEFT THE ROOM.

THE HEAD OF DEVELOPMENT STANDARDS RETIRED TO THE OFFICERS' BENCHES FOR CONSIDERATION OF THE FOLLOWING ITEM.

(1) 06/02346/OUT - PERTH – Erection of new mental health facilities at Murray Royal Hospital, Muirhall Road, Perth – NHS Tayside - Report 07/300

The Convener advised the Committee that there were two options with regard to considering this application. They had to decide whether the application be regarded as:

- (i) a deferral of the original application considered by the Committee on 14 March 2007; or
- (ii) treated as a new application.

The Committee unanimously agreed that the application be treated as a new application.

In terms of Standing Order 59, the Committee agreed to hear the deputations with regard to this application.

Mr D McLaren, on behalf of the applicant, followed by Mr G Fleming, Mr R Salvin, Mr W McKenzie, Ms M Summers and Mr C Harvie, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor Barrett, the Local Member, addressed the Committee.

Motion (Councillors MacLellan and Wilson) – Defer, to allow for further consultation with the Council and the local community by the applicant on the following issues:

- (i) the provision of open space;**
- (ii) development should be restricted to medical health care facilities only; and**
- (iii) A detailed traffic impact assessment be carried out .**

Amendment (Councillors Lumsden and Livingstone) – Grant, subject to the conditions contained in Report 07/300.

Amendment – 3 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

COUNCILLOR CADDELL RETURNED TO THE MEETING. THERE THEN FOLLOWED A 10 MINUTE RECESS.

THE HEAD OF DEVELOPMENT STANDARDS RETURNED FROM THE OFFICERS' BENCHES FOR THE REMAINDER OF THE AGENDA.

(2) 07/00045/FUL – KILLIN – Erection of dwellinghouse at Morenish Cottage, Killin – Mr and Mrs Allan - Report 07/301

Mrs B Allan, the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to conditions to be formulated by the Head of Development Standards and including an additional condition relating to the provision and maintenance of a landscaping framework, including the species, height, size and planting density of proposed trees and/or shrubs, on the grounds that the proposal is not contrary to Highland Area Local Plan 2000 Policy 54 or the Council's Housing in the Countryside Policy (December 2005).

267. DEVELOPMENT BY PLANNING AUTHORITY

(1) 07/00446/NID – PERTH – Formation of a decant site for the Gypsies/Travellers of Double Dykes for a temporary period of six months to the west of Arran Road, Perth – Perth and Kinross Council - Report 07/302

Resolved:

Refuse, on the grounds that:

- (i) The area is not designated for the proposed use in the Development Plan;
- (ii) There will be a negative impact on the area due to an increase in traffic; and
- (iii) There will be a negative effect on economic development in the area.

268. APPEAL

(1) 06/02437/FUL – BLAIRADAM – Proposed change of use from degraded agricultural land to 4 additional gypsy/traveller pitches (partly in retrospect) at land to the North of Greenacres, Blairadam – The Reid Family - Report 07/303

Mr F Marr, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

The proposal, which is the subject of an Appeal to the Scottish Ministers, be **opposed**.

Note: Councillor Howie moved that the application be deferred on the grounds that the Committee had insufficient evidence and on condition that the Appellant sists the Appeal. On failing to find a seconder, Councillor Howie's amendment fell.

COUNCILLOR MACLELLAN LEFT THE MEETING AT THIS POINT

269. PLANNING APPLICATIONS FOR DETERMINATION

(1) 06/01975/FUL – ABERUTHVEN – Erection of 24 affordable dwellinghouses at land to the East of Hall Road, Aberuthven – Hillcrest Housing Association - Report 07/306

Mrs D Bell and Ms A Clark, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches. Councillor Young also addressed the Committee.

Resolved:

Defer, to allow full consultation by the applicants with the local community, particularly on the issues of compensatory provision of public open space and car parking facilities.

(2) **06/02745/FUL – ABERUTHVEN – Erection of 27 detached dwellinghouses with garages and associated works at land at Graemeslea, Main Road, Aberuthven – Redrow Homes (Scotland) Ltd - Report 07/307**

Mr J Dunn, on behalf of the applicant, and Mrs D Bell and Ms A Clark, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Defer, to allow full consultation by the applicants with the local community including on road layout and the provision of community space, car parking and other benefits.

FOLLOWING A BREAK FOR LUNCH, THE COMMITTEE RECONVENED.

COUNCILLOR MACLELLAN RE-ENTERED THE MEETING AND COUNCILLOR WILSON DID NOT RETURN TO THE MEETING AT THIS POINT.

COUNCILLOR HOWIE ENTERED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

(3) **07/00120/FUL – ABERFELDY – Erection of 11 lodges at Highland Adventure Safaris, Dull, Aberfeldy – Mr and Mrs Riddell - Report 07/308**

Mrs J Riddell, the applicant, addressed the Committee, and, following her 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. 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 recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the site development unless otherwise agreed in writing with this Planning Authority.
4. 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.
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 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.
7. Detailed plans for night time lighting of the proposed development shall be submitted prior to the commencement of development for the approval of the Planning Authority. These plans should be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level.

8. Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.
9. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

The Committee unanimously agreed that two additional conditions be included relating to:

- (i) The applicants contributing financially to the footpath; and
- (ii) Assisting with a recycling point in the area.

COUNCILLOR WILSON RE-ENTERED THE MEETING AT THIS POINT.

(4) 05/02085/OUT – MILNATHORT – Residential development comprising of 35 dwellinghouses (in outline) at Ochil Hills Convalescent Hospital, Milnathort – Fossoway LLP - Report 07/309

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 no 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 and completed within the first available planting season; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
5. The reserved matters shall include an up to date detailed tree survey for the site, detailed landscape proposals, proposed levels, plans and a woodland management plan. The woodland management plan should fully explain how the mature trees and woodland will be maintained and by whom.

6. 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.
 Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.
7. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
8. Prior to the start of any works, a scheme of localised road widening, road drainage improvements and traffic calming on the U232 public road between Tillywhally and Upper Tillyrie shall be agreed between the Applicant and the Council as Roads Authority and implemented to the satisfaction of the Planning Authority.
9. Prior to the occupation of the houses the existing 'private' road serving the site shall be upgraded to a standard suitable for future adoption for maintenance by the Council as Roads Authority and to the satisfaction of the Planning Authority.
10. Within the proposed residential area a street light system 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.
11. The reserved matters shall include comprehensive landscape and management plans for the land associated to complete removal from agricultural production as part of the "phosphorus export coefficient approach".
12. No commitment is given in this consent to the notional site layout which forms part of the application (as indicated in the masterplan), but the number of houses shall not exceed thirty five and there shall be no development in eastern-most and western-most parts of the site.
13. Prior to the commencement of the development, the precise drainage details shall be submitted for the approval of the Planning Authority and not implemented until approved by the Planning Authority.

Prior to the issue of any consent the applicant shall enter into and conclude a Section 75 Agreement with the Council in order to secure the long term drainage proposals associated with Loch Leven and also the applicant is invited to either pay the agreed financial contribution or conclude the affordable housing contribution as part of a Section 75 Agreement in respect of a delayed payment prior to the commencement of work or prior to occupation of the first unit.

(5) 05/02418/OUT – ERROL – Sustainable village (in outline) on land at Errol Airfield, Errol – Morris Leslie Ltd - Report 07/310

The Committee was advised that three additional letters of objection from local residents had been received since the papers were issued but that no additional issues had been raised. Letters of objection had also been received from (i) Dundee City Council essentially on the grounds that the application was contrary to the aspirations of the Dundee and Angus Structure Plan; and (ii) Errol Community Council advising that they were opposed to the whole proposal for any housing.

Mr D Coutts, on behalf of the applicant, and Mr A Clegg, supporter of the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors Hulbert and Livingstone) – Minded to Grant:

1. **On the grounds that:**
 - (i) **The proposal is not contrary to Sustainable Communities Policy 6 of the Perth and Kinross Structure Plan 2003 or Sustainable Economy Proposal 4;**
 - (ii) **The proposal is justified in being contrary to Policy 1 of the Perth Area Local Plan 1995 and premature in terms of the emerging Perth/Central Area Local Plan 2004 on the basis of the provision of affordable housing, the provision of a headquarters for an important local company and for the economic benefit the proposal will provide; and**
 - (iii) **With a reduced scale of development, the proposal would not depart significantly from the policies in SPP17; and**
 - (iv) **The proposal will not have serious adverse impacts on natural heritage and national interests and the integrity of the Firth of Tay and Eden Estuary SPA and the Inner Tay Estuary SSI**
2. **Subject to further consideration of the following issues:**
 - (i) **reduction to 240 houses in total, all at Errol,**
 - (ii) **25% affordable housing provision on-site,**
 - (iii) **establishment and maintenance of Morris Leslie headquarters offices on site,**
 - (iv) **reduction in land for housing not to be replaced by land for business and industry,**
 - (v) **resolution of local primary school capacity issue,**
 - (vi) **provision of £200,000 by applicant to Errol community centre,**
 - (vii) **use of local Errol brick in construction on-site.**
3. **Conditions and any necessary legal agreements to be formulated by the Head of Development Standards**
4. **Items B and C to be brought back to Committee for final consideration.**

Amendment (Councillors Barnacle and Wilson) – Refuse, for the reasons given in Report 07/310.

Amendment – 2 votes

Motion – 11 votes

Resolved:

In accordance with the Motion.

COUNCILLORS LYALL AND MCDONALD LEFT THE MEETING AT THIS POINT.

ROLAND BEAN LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

(6) 06/01755/FUL – KINROSS – Change of use from agricultural land to assembly and leisure (class 11) at Braelin, Kinross – Mr D Alexander - Report 07/311

Mr D Alexander, the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to conditions to be formulated by the Head of Development Standards on the grounds that the proposal is not contrary to Policies 1, 2, 3 and 51 of the Kinross Area Local Plan 2003 and does not constitute a departure from the Development Plan.

COUNCILLOR LIVINGSTONE LEFT THE MEETING AT THIS POINT.

(7) 06/02056/FUL – AUCHTERARDER – Erection of 10 affordable apartments and 26 private apartments with associated car parking at land to the rear of 11 High Street, Auchterarder – A & L King and Perthshire Housing Association - Report 07/312

Ms F Macfarlane, objector to the application, addressed the Committee, and, following her 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 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. Details of the road layout and shared surface courtyard area shall be submitted for the further approval of this Planning Authority, prior to the commencement of development.
5. 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.
6. The private road accessing Collearn House, serving the site, shall be improved between the junction with High Street and the site entrance to meet the standards and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
7. The dwellings subject of this application cannot be occupied until 1 November 2008 as the new Dunning Primary School is anticipated to be available for occupation in October 2008.
8. 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 should include arrangements for the long-term management of all landscape areas prior to planning consent. The scheme as subsequently approved shall be carried out and completed within the first available planting season unless otherwise agreed in writing with this Planning Authority.
9. Trees to be retained along the eastern boundary will require protection by stout fencing enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837:2005: Trees in Relation to Construction. Such fencing must be erected before any materials or machinery are brought on the site and before any demolition or development, including erection of site huts, has commenced. Once erected, fences shall be regarded as sacrosanct and should not be removed or altered without prior consultation with the Council's Tree and Woodland Officer. The fence should be 1.2m high. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection should be laid over the existing soil surface.
 - Services should be grouped together in the same trench wherever possible and must be positioned outwith the canopy spread of the tree to be retained. If trenches need to be excavated within the canopy spread, a trench should only be dug on one side of the tree to avoid excessive root damage. Trenches and Services shall be in accordance with Publication No.10 of the National Joint Utilities Code of Practice and BS 5837 2005: Trees in Relation To Construction. The location of services must be shown on the site layout and working drawings.

- The ground levels beneath the canopy spread of the tree to be retained shall not be altered. Any proposed changes in ground levels must be shown on the site layout and working drawings.
 - The location of materials stores should be shown on the site layout and working drawings and must be outwith the canopy spread of the trees to be retained.
10. 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.
11. 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.

Prior to the issue of any consent the applicant shall enter into and conclude a Section 75 Agreement with the Council in order to secure the complete delivery of affordable housing and drainage arrangements (unless this is made unnecessary by an alternative legal agreement).

COUNCILLOR MACLELLAN LEFT THE MEETING AT THIS POINT.

(8) 06/02242/FUL (Amended) – PITLOCHRY – Erection of 5 dwellinghouses on land at Croftinloan, Pitlochry – Langvale Homes Ltd - Report 07/313

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. 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.
4. 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.
5. 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.
6. A minimum of two car parking spaces per dwelling shall be provided within the site.
7. The roofs of the five houses shall be finished in slate, to the satisfaction of the Council as Planning Authority.

(9) 06/02243/FUL – PITLOCHRY – Conversion of former school building into 12 dwelling units, Croftinloan, Pitlochry – Langvale Homes Ltd - Report 07/314

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.

2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
4. 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.
5. 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.
6. A minimum of two car parking spaces per dwelling shall be provided within the site.
7. A rural 'bus boarder' shall be provided on the west side of the U165 public road adjacent to the access to the development at a position to be agreed with the Council as Roads Authority. 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

(10) 06/02244/FUL – PITLOCHRY – Erection of 1 dwelling house on land at Croftinloan, Pitlochry – Langvale Homes Ltd - Report 07/315

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
4. 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.
5. 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.
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.
7. The roof of the house shall be finished in slate, to the satisfaction of the Council as Planning Authority.

(11) 06/2334/MOD (Amended) – PITLOCHRY – Erection of dwellinghouse (part modification of previous consent (05/01211/FUL)) at Croftinloan School, Pitlochry – Langvale Homes Ltd - Report 07/316

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

4. 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.
5. 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.
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.
7. The roof of the house shall be finished in slate, to the satisfaction of the Council as Planning Authority.

(12) 06/02629/FUL – PITLOCHRY – Erection of 3 dwellinghouses at former swimming pool, Croftinloan School, Pitlochry – Langvale Homes Ltd - Report 07/317

Mr T Hawksby, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors Howie and Wilson) – Refuse, for the reasons contained in Report 07/317.

Amendment (Councillors Lumsden and Grant) – Minded to Grant, subject to the provision of proposals by the applicants for the use, maintenance and enhancement of all land within the applicants’ ownership at Croftinloan and to conditions to be formulated by the Head of Development Standards, subject to further consideration by the Committee.

Amendment – 5 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

(13) 06/02251/OUT – KINNESSWOOD – Residential development at Grahamstone Farm, Kinnesswood – Stewarts Turf - Report 07/318

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policies 2(a), 5 and 6 of the Kinross Area Local Plan 2004 as the development in open agricultural land would have a detrimental impact on the surrounding landscape.
2. The proposal is contrary to Policy 2(c) of the Kinross Area Local Plan 2004 as no Noise Impact Assessment has been submitted with the application and the potential noise disturbance from the neighbouring use cannot be assessed.
3. The proposal is contrary to Policy 3 of the Kinross Area Local Plan 2004 as there is a sufficient risk from the neighbouring pipeline to warrant refusal of this application.
4. The proposal is contrary to Policy 54 of the Kinross Area Local Plan 2004 as the development in open agricultural land would have a detrimental impact on the surrounding landscape and the integrity of the Area of Great Landscape Value (AGLV).
5. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004 as the new build units do not meet any of the criteria of this policy.
6. The proposal is contrary to the Housing in the Countryside Policy 2005 as a large section of the site in the south-western corner does not meet any of the criteria of this policy.

(14) 06/02264/MW – KIRKMICHAEL – Proposed re-opening and extension of Wester Bleaton Quarry at Wester Bleaton Farm, Kirkmichael – W Geddes (Contractors) Ltd - Report 07/319

Resolved:

Grant, subject to the following conditions:

1. This consent is valid for a period of 23 years which shall include the completed restoration of the quarry site and shall expire on 1 May 2030.
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. Prior to the commencement of any work on site the applicant shall submit a comprehensive landscape mitigation plan showing the landform and tree/scrub and grass species by a qualified landscape architect to include species mix of grass areas to enable natural regeneration of local plant communities and tree size and spacings should be included all to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any work on site the applicant shall submit details including siting of the offices, weighbridge facility, fixed plant/equipment, stockpiles, car parking area and any artificial lighting all to be agreed in writing all to the satisfaction of the Council as Planning Authority.
5. The hours of operations shall be 06.00 to 18.00 Monday to Friday and 06.00 to 13.00 on Saturdays with no Sunday working, unless otherwise agreed in writing all to the satisfaction of the Council as Planning Authority.
6. The recommendations made by Vibrock Ltd in respect of noise and blasting assessments dated 4 October 2006 shall be implemented in full all to the satisfaction of the Council as Planning Authority.
7. A detailed phased restoration plan for the site shall be submitted for the approval of the Planning Authority before the development commences and, once approved, shall be thereafter implemented to the satisfaction of the Council as Planning Authority.
8. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for a watching brief will be supplied by Perth and Kinross Heritage Trust. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to Perth and Kinross Heritage Trust in writing not less than 14 days before development commences.
9.
 - (i) The vehicular access to the B950 shall be formed in accordance with specification Type E, Fig 5.8, access detail to the satisfaction of the Planning Authority.
 - (ii) The B950 public road over a length of 20m immediately adjacent to the access shall be widened to a minimum of 7.3m.
 - (iii) Appropriate advanced warning signs of 'Heavy Plant Crossing' shall be provided on the B950 on either side of the access at positions to be agreed with the Council as Roads Authority.
 - (iv) The gradient of the access shall not exceed 3% for the first 10 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.
 - (v) Full visibility splays of 3m by 120m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.
 - (vi) Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
 - (vii) Adequate car and HGV parking spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.

- (viii) The site access track and public road shall be kept free from mud, debris etc. at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud, debris etc on to the public road to the satisfaction of the Council as Planning Authority.

Prior to the issue of consent the applicant shall enter into and conclude a Section 75 Agreement with the Council in relation to the restoration of the site and the derelict area opposite the quarry entrance and fronting the B950 which lies outwith the site boundary and the provision of a financial bond in order to ensure that restoration is implemented.

(15) 06/02299/OUT – PERTH – Erection of a dwellinghouse (in outline) at Broomhill, Oakbank Road, Perth – Mr D Wilson - Report 07/320

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 vehicular access to the site shall be taken from Oakbank Road east of the roundabout.
5. The reserved matters required by condition 1 shall include alternative parking provision for Broomhill Cottage.

(16) 06/02558/FUL – BLAIRADAM – Erection of farmhouse at Flockhouse Farm, Blairadam – Mr and Mrs Farmer - Report 07/322

Mrs G Farmer, the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to conditions to be formulated by the Head of Development Standards, including conditions restricting occupancy to an agricultural worker and to the provision of a structural landscape framework on the grounds that the proposal is not contrary to Policies 2(a), 5, 6 and 64 of the Kinross Area Local Plan and does not constitute a departure from the Development Plan.

(17) 06/02624/FUL – BLAIRADAM – Change of use from site of former cottage to establish a private permanent gypsy/traveller pitch at land South of Plot 2a, Blairadam – William Hughes and Family - Report 07/323

Mr F Marr, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. Contrary to Policy 1 Sustainable Development in failing to comply with the sustainability criteria set out.

2. Contrary to Policy 2 General Development Criteria of the Kinross Area Local Plan, where it states that development should have regard to the scale, form, colour and density of development within the locality, have a landscape framework capable of absorbing the development and should not result in a significant loss of amenity to the local community.
3. Contrary to Policy 5 in failing to conserve landscape features and sense of local identity or strengthen/ enhance landscape character through the introduction of landscape proposals involving uniform engineering works, non native plant species and suburban characteristics.
4. Contrary to Policy 6 requiring a high standard of Design in the Kinross Area Local Plan.
5. Contrary to Policies 10-12 in relation to the Loch Leven catchment plan through consequently receiving objections from both SNH and SEPA.

(18) 06/02712/FUL – PERTH – Erection of 18 dwellinghouses (affordable housing) at Tulloch Road, Perth – Servite Housing Association - Report 07/324

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. 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.
4. The footpath and footway link between the site and the bus stops on Tulloch Road shall be constructed and fully lit to the standards required by the Council as Roads Authority.
5. The houses as approved shall only be developed by a Registered Social Landlord and shall be affordable as defined in PAN 74 and the Council's Affordable Housing Policy.
6. Areas suitable for the storage of 3 x 240 litre bins shall be provided within the curtilage of each house together with a satisfactory and suitably surfaced access path to the public pavement. The road layout and construction within the site shall be suitable for a refuse collection vehicle to access and turn, with all bin collection points being within 10 metres of where a refuse collection vehicle can gain access.
7. A detailed landscaping and planting scheme shall be submitted 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 and completed within the first planting season following the construction of the dwellinghouses, unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
8. Disposal of surface water within the site shall be by means of a suitable 'Sustainable Urban Drainage System' to meet the requirements of best management practices to the satisfaction of the Planning Authority.
9. No trees shall be removed other than indicated for felling on the approved plans without the prior written consent of the Council as Planning Authority.
10. Prior to the commencement of the development a survey of existing trees within and overhanging the site shall be submitted. All trees within the site (together with those trees outwith but overhanging the site) which it is subsequently agreed should be retained, shall be protected to BS 5837:1991 by chespaie fencing fixed top and bottom to horizontal rails, all on 75mm treated posts, to a height of 1200mm. The fencing shall be set no closer to

the trees than their canopy spread, and shall remain intact for the duration of construction works, unless otherwise agreed in writing with the Planning Authority. No construction work, changes to levels, or storage of plant or materials shall take place within the protected zone.

11. No development shall be started until a contaminated ground investigation has been carried out in respect of the site by a suitably qualified consultant, and a scheme to deal with any contamination on the site has been submitted to and approved by the Planning Authority. The scheme shall include the following details:

- (i) The nature, extent and types of contamination on the site including any source, pathway or 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 remedial measures.

Before any house is occupied any necessary measures to remedy contaminated land shall be fully implemented as approved to the satisfaction of the Planning Authority.

(19) 07/00221/FUL – Auchterarder – Extension to living accommodation at 16 Airlie Court, Muirton, Auchterarder – Ms M Coccozza - Report 07/326

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 opaque screen on the external stairs on the south-western elevation of the proposed extension shall be retained and maintained to the satisfaction of the Planning Authority.

(20) 07/00391/FUL – ABERNETHY – Internal alterations and attic conversion at 8 Ballo Braes, Abernethy – Mr and Mrs R Rofo - Report 07/327

Motion (Councillors McEwen and Grant) – Refuse, on the grounds that the scale of the proposed development would be overbearing with a consequent unacceptable loss of residential amenity to neighbouring properties.

Amendment (Councillors Lumsden and Caddell) – Grant, subject to conditions contained in Report 07/327.

Amendment – 4 votes

Motion – 5 votes

Resolved:

In accordance with the Motion.

(21) 07/00513/CON – MUTHILL – Removal of existing building in preparation for erection of 1 dwellinghouse at 29 Drummond Street, Muthill – Morris Property Tax - Report 07/328

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.

270. VALEDICTORY

The Vice-Convener thanked Councillor Lumsden for his Convenership of the Development Control Committee during his term of office and also Mr I Sleith, Head of Development Standards, who was retiring from Perth and Kinross Council.