

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 5 July 2006 at 9.30am.

Present: Councillors Barnacle, Caddell, E Grant, Howie, Hulbert, Livingstone, Lumsden, Lyall, McDonald, McEwen and Young.

Attending: Councillor Lloyd; I Sleith, M Watson, N Williamson and A Fleming (all The Environment Service); I Innes, J Dickson, Y Oliver and A Brown (all Corporate Services) and Y Gilruth (Education and Children's Services).

Councillor Lumsden, Convener, Presiding.

473. WITHDRAWAL OF APPLICATIONS

The Committee noted that the following planning applications had been withdrawn:

- (1) **06/00958/LBC - KINROSS - Erection of conservatory at Ballingall House, Kinross - Mr Hill - Report 06/520.**
- (2) **06/00959/FUL - KINROSS - Erection of conservatory at Ballingall House, Kinross - Mr Hill - Report 06/521.**

The Committee noted that the following applications were withdrawn for consideration at a future meeting of the Committee:

- (3) **05/00001/HYDRO - TROCHRY - Erection of a large hydro-electric power generating scheme at the River Braan, Near Trochry, Dunkeld - Npower Renewables - Report 06/497.**
- (4) **06/00990/MOD - KINROSS - Modification of house design at Tillyochie Mains, Kinross - Mr and Mrs G Baillie - Report 06/522.**

474. DECLARATIONS OF INTEREST

Councillor Caddell declared a non-financial interest in Planning Application 06/00418/OUT (Art.)

475. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 7 June 2006 (Arts. 386-393) was submitted, and subject to the undernoted, approved as a correct record and authorised for signature.

Art. 391 (2) - Planning application 05/00527/FUL.

Condition 4 be amended to read "No amplified music or vocals shall be played on this site."

Art. 391 (10) - Planning application 06/00434/FUL.

The record of the Motion by Councillors E Grant and McEwen be amended to include an additional reason for refusal as "(iii) The proposal does not comprise the density or single storey buildings required by the valid planning consent for the erection of houses on this site with a subsequent adverse impact upon the character, visual amenity and residential amenity of the area."

The record of the Amendment by Councillors Lumsden and Caddell be amended to include "subject to a provision for affordable housing".

476. 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.
05/01553/FUL	478(1)
05/02365/FUL	479(2)
05/02396/FUL	479(3)
06/00042/FUL	479(5)
06/00273/REM	479(7)
06/00397/FUL	479(8)
06/00418/OUT	479(9)
06/00516/FUL	479(10)
06/00601/FUL	479(11)
06/00663/OUT	479(13)
06/00793/FUL	479(17)
06/00807/FUL	479(14)

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

477. PLANNING APPLICATIONS UN-DETERMINED AFTER FOUR MONTHS

There was submitted and noted a report by the Head of Development Standards (06/494) advising that 130 applications registered since January 2004 had not been determined within 4 months, representing 19% of the 679 current applications. The Appendix to Report 06/494 detailed the applications and the reason for non-determination.

478. PLANNING APPLICATION PREVIOUSLY CONSIDERED

- (1) **05/01553/FUL - INCHTURE - Residential Development at Moncur Farm, Inchture - Muir Homes - Report 06/495 (Art. 101(3)).**

The Committee noted that in terms of Standing Order 18, the Councillors present at the meeting had been present at the meeting on 15 February 2006 when this application was considered previously and could, therefore, participate in the discussion and the taking of the decision today.

Mr Smith, representing the applicant, followed by Mr Henderson and Mr Russell, objectors to the application, addressed the Committee, and, following their respective representations, all withdrew to the public benches.

Motion (Councillors Hulbert and Livingstone) - Refuse on the grounds that the development of the site is not in accordance with the Development Brief by virtue of the inadequate provision of public open space facilities and the absence of community facilities.

Amendment (Councillors Lumsden and Young) - Grant, subject to the conditions detailed in Report 06/495.

Amendment - 2 votes

Motion - 9 votes

Resolved:

In accordance with the Motion.

- (2) **06/00099/FUL - CRIEFF - Proposed Change of Use from residential to commercial use for 3 months of the year (June, July and August) for holiday letting purposes at Flat 1, Croftweit, Strathearn Terrace, Crieff - Mr J Burke - Report 06/496. (Art. 391(6)).**

The Committee noted that in terms of Standing Order 18, the Councillors present at the meeting had been present at the meeting on 7 June 2006 when this application was considered previously and could, therefore, participate in the discussion and the taking of the decision today.

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, and between the months of June, July and August unless otherwise agreed in writing or provided for by conditions imposed on the planning consent.

479. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **05/01321/FUL - MILNATHORT - Demolition of existing warehouse, erection of 8 two-storey private houses and 4 two-storey affordable houses with associated roads and footpaths at 122 South Street, Milnathort, Kinross - Newhouse Developments Ltd - Report 06/498.**

Resolved:

Grant, subject to (1) the prior signing of a legal agreement to ensure provision of the affordable housing element; and (2) 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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.
4. 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 within six months, unless otherwise agreed in writing with this Planning Authority, and shall be thereafter maintained to the satisfaction of the Planning 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. Development shall not commence until drainage details for the site have been submitted and approved by the Planning Authority. The details shall comply with the requirements of Surface Water Best Management practice for Sustainable Urban Drainage. The approved details shall be implemented prior to occupation of the development hereby approved.
7. That part of the development for "affordable housing" shall be as defined in the Council's Policy on Affordable Housing.
8. 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.
9. No development or extensions or alterations to fences, gates, walls or other means of enclosure, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the houses of Plots 5-8 without the prior written approval of the Planning Authority.

(2) 05/02365/FUL - MAWCARSE - Erection of two dwellinghouses at Mawcarse, by Milnathort - DB Allan Construction - Report 06/499.

Mr Hutton, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:-

1. The proposal is contrary to the development criteria in Policy 2 of the Kinross Area Local Plan 2004 as it creates an unsatisfactory site layout {contrary to 2(b) and 2(f)}, with inadequate landscaping {contrary to 2(a) and 2(f)} which adversely affects the visual character of the settlement {contrary to 2(b)} and does not provide adequate private amenity space to the rear of the dwellinghouse in plot 2, {contrary to 2(f)}.
2. The proposal is contrary to Policy 5 of the Kinross Area Local Plan 2004 as it would harm rather than conserve landscape features and landscape character.
3. The proposal is contrary to Policy 94 of the Kinross Area Local Plan 2004 as it creates an unsatisfactory site layout with inadequate landscaping which adversely affects the density, character and amenity of the settlement, particularly in relation to inadequate private amenity space to the rear of the dwellinghouse in plot 2, loss of trees and the creation of ribbon development.
4. The proposal is contrary to Policies 2 and 94 of the Kinross Area Local Plan 2004 as the neighbouring warehouse could generate an unacceptable level of noise and the site would then not provide a satisfactory residential environment.

(3) 05/02396/FUL - AUCHTERARDER - Erection of 3 holiday lodges at Bailelands Farm, Auchterarder - G and E Haggart - Report 06/500.

Mrs Haggart, 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 a condition requiring the provision and maintenance of a landscaping framework, on the grounds that the proposal (1) complies with Policy 47 of the Strathearn Area Local Plan 2001 (parts a, b, c, d and e) as it meets a specific need, will not result in a loss of permanent accommodation and remains ancillary to the primary farm use; (2) is not detrimental to the visual amenity of the area; (3) is contained within a good landscape framework; and (4) does not conflict with any other Policy.

- (4) **05/02416/OUT - KINFAUNS - Erection of 5-star hotel and ancillary facilities (in outline) at land adjacent to A90, south of Burnfoot, Kinfauns - JWK Properties - Report 06/501.**

Resolved:

Grant, on the basis that planning conditions and the justification for departing from the Structure Plan and Local Plan Policies listed in the reasons for refusal in Report 06/501 would be submitted to a future meeting of the Development Control Committee for approval, prior to referring the matter to the Scottish Ministers.

- (5) **06/00042/FUL - EASTER BALGEDIE - Erection of dwellinghouse at land to the east of Drovers Way, Easter Balgedie - Mr and Mrs Dall - Report 06/502.**

Mr Galloway and Mr O'Kane, representing objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches. The Committee noted that the applicants had declined the invitation to address the Committee.

Motion (Councillors Barnacle and Caddell) - Defer for further investigation on (1) the feasibility of an access point from Easter Balgedie Farm Road as an alternative to the A911 access point; and (2) maintaining the visual character of the area by reducing the overall height of the dwellinghouse.

Amendment (Councillors Lumsden and Young) - Grant, subject to (1) the prior signing of a Section 75 legal agreement to ensure the long term upkeep and maintenance of the phosphate treatment plant; and (2) 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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.
4. 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 existing stone wall on the boundary of the site shall be retained to the satisfaction of the Planning Authority.
6. 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 within six months of the occupation of the house unless otherwise agreed in writing with this Planning Authority, and thereafter be maintained to the satisfaction of the Planning Authority.
7. 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.
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.

And to impose a further condition as follows:-

- 9. Permitted development rights shall be removed to preclude the use of the upper floor of the house as habitable accommodation.**

Amendment - 8 votes

Motion - 3 votes

Resolved:

In accordance with the Amendment.

- (6) 06/00187/OUT - STANLEY - Erection of chalet/touring caravan site (indicatively 300 chalets and 20 touring caravan stances) and associated administrative accommodation, indoor and outdoor leisure facilities, access roads and planting/landscaping works (in outline) at Gowrie Quarry, Stanley - Zurich Assurance Ltd - Report 06/503.**

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, foul and surface water drainage, protection of the River Tay SAC, sustainable transport links, impact of noise and compliance with the Council's Chalet Policy 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. Prior to any work commencing, a detailed method statement shall be submitted as part of the 'Reserved Matters' application required by Condition 1 for the approval of the Council as Planning Authority, in consultation with Scottish Natural Heritage, giving details of measures to prevent harmful materials entering the River Tay Special Area of Conservation (SAC). The method statement shall include details of the following:
 - (i) pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds.
 - (ii) storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
 - (iii) sewage facilities, including the location of the sewage facility, its capacity and design.
 - (iv) construction site facilities, including the extent and location of site huts, vehicle equipment and materials compound.
 - (v) timing, duration and phasing of construction works, particularly in relation to salmon and lamprey migration/spawning.
5. Foul effluent from the development shall be drained to a secondary biological treatment plant within the site and from there shall drain to a discharge point in the River Tay. The details of the drainage system including the treatment

plant shall be in accordance with the requirements of the Scottish Environmental Protection Agency (SEPA) and submitted as part of the 'Reserved Matters' application referred to in Condition 1.

6. Proposals for the 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 and shall be submitted as part of the 'Reserved Matters' application required by Condition 1, for the approval of the Planning Authority.
7. The detailed design of the development submitted as part of the 'Reserved Matters' application required by Condition 1 shall include measures to mitigate the effects of noise from the adjacent railway on future occupants of the chalet park.
8. 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 chalet is occupied any necessary measures to remedy contaminated land shall be fully implemented as approved to the satisfaction of the Planning Authority.

9. 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.
10. The vehicular access to the B9099 public road shall be formed in accordance with specification Type E, Fig 5.8, access detail from the Council's Roads Development Guide to the satisfaction of the Planning Authority.
11. 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.
12. Full visibility splays of 3 m by 180 m shall be provided to the right and left of the access measured between points 1m above the adjacent B9099 road channel level.
13. 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.
14. A minimum of 1 No. car parking spaces per chalet and adequate car parking for the associated accommodation and leisure facilities, in accordance with the Council's Roads Development Guide, shall be provided within the site.
15. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B9099 public road adjacent to the access to the development prior to the occupation of 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.
16. The development of appropriate foot and cycle path links to both Stanley and Luncarty shall be included as part of the details of the development.
17. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and agreed by Perth and Kinross Heritage Trust. 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.

18. The 'Reserved Matters' application required by Condition 1 shall include details to show compliance with the Council's Chalet Policy 1997 particularly in relation to demand, quality and the provision and availability of recreational facilities.
19. The chalets shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
20. This consent gives no commitment to the number of chalets or touring caravan stances which would be acceptable within the site and the reserved matters shall include a greater proportion of touring caravan stances than indicated in the submitted planning application.
21. The design and finishes of the chalets and all ancillary buildings within the site shall be of a high quality and appropriate to the rural location of the development. Buildings shall generally be limited to a storey and a half in height and appearance.
22. The detailed layout of the development shall take account of the visual and landscape constraints shown on drawing L1 and built development shall be avoided within the following zones:
 - (i) the north-eastern part of the site (as designated as having low landscape constraints/low visual containment on drawing L1).
 - (ii) the south-eastern part of the site between the B9099 and the existing bund, until this area has been effectively screened by landscaping.
23. The advance landscaping shown in the approved plans shall be implemented within six months of this permission, unless otherwise agreed in writing by the Planning Authority, and be thereafter maintained to the satisfaction of the Planning Authority.

(7) 06/00273/REM - BALBEGGIE - Erection of a dwellinghouse and garage at Ellenslea Cottage, Abernyte Road, Balbeggie, Perth - Mr Campbell - Report 06/504.

Mr Campbell, the applicant, followed by Mr Gordon, an objector to the application, addressed the Committee, and, following their respective representations, both withdrew to the public benches.

IN TERMS OF STANDING ORDER 53, COUNCILLOR LLOYD, THE LOCAL MEMBER, ADDRESSED THE COMMITTEE.

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, unless otherwise provided for by conditions imposed on the planning consent.
3. Insofar as the land is under the control of the applicant, visibility splays of 2.50m x 70.00m measured from the centre line of Kings Neuk shall be provided in a north east direction along the nearside channel of Abernyte Road prior to the occupation of the development and thereafter maintained free from any obstruction of a height exceeding 1.05metres above the adjacent road channel level.
4. A 1.8m wide footway constructed to the standard and specification required by the Council as Roads Authority shall be provided along the site frontage with Abernyte Road and implemented prior to the occupation of the site.
5. 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.
6. The vehicular access shall be formed in accordance with specification Type B, Fig 5.6, access detail to the satisfaction of the Planning Authority.

7. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
8. A minimum of 2 No. car parking spaces shall be provided within the site.
9. Surface water from the existing house (Ellenslea) and from the proposed dwellinghouse shall not be directed into the public sewerage system but by another means agreed in writing by the Council as Planning Authority.

FOLLOWING A 10 MINUTE RECESS, THE COMMITTEE RECONVENED. Y GILRUTH LEFT THE MEETING AT THIS POINT.

(8) 06/00397/FUL - ABERNETHY - Erection of conservatory at 10 Main Street, Abernethy - M Cole - Report 06/505.

Mr Venn, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Defer, to enable further consultation with the applicant on a more acceptable design which would not adversely affect the visual character of the host building and surrounding area.

(9) 06/00418/OUT - SCONE - Residential development (in outline) at Morningside Farm, Scone, Perth - Murray Homes - Report 06/506.

A copy of the submitted plan was tabled by the Head of Development Standards.

Mr Main, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

In light of the reference to a particular Housing Association made by Mr Main in his representation, Councillor Caddell, on legal advice, declared a non-financial interest in this planning application.

IN TERMS OF STANDING ORDER 53, COUNCILLOR LLOYD, THE LOCAL MEMBER, ADDRESSED THE COMMITTEE.

Resolved:

Refuse, for the following reasons:-

1. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not meet any of the categories: (i) Building Group; (ii) Infill Sites; (iii) New Houses in the Open Countryside; (iv) Renovation or Replacement; (v) Conversions; (vi) Brownfield Site.
2. The development is contrary to the Council's Affordable Housing Policy in that there has been insufficient information provided to satisfy the terms of the policy.
3. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 as it creates an unsatisfactory site layout with inadequate landscaping.
4. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 as it does not meet any of the categories within the Houses in the Countryside Policy as contained in the Plan.

COUNCILLOR LLOYD LEFT THE MEETING AT THIS POINT.

(10) 06/00516/FUL - GLENFARG - Erection of dwellinghouse at Glendeuglie House, Glenfarg - Mr and Mrs G Innes - Report 06/507.

Mr Innes, 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 (1) not contrary to Policy 1 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as the siting of the proposed house would accord with the existing pattern of development in the area and would not adversely affect the visual amenity of the area; and (2) the proposed property is in a suitable setting contained within a definable site.

(11) 06/00601/FUL - FEARNAN - Extension to existing house and gallery space at Fearnan Gallery, Fearnan, Aberfeldy - Mr K Brockie - Report 06/508.

A copy of the site elevations was tabled by the Head of Development Standards.

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

A motion by Councillor Lumsden to refuse the application for the reasons detailed in Report 06/508 failed to secure a seconder and the motion accordingly fell.

Resolved:

Grant, subject to conditions to be formulated by the Head of Development Standards on the grounds that the design and scale of the proposed extension would not be detrimental to the character of the existing building or the residential amenity of the wider street scene or neighbouring properties.

(12) 06/00619/OUT - COUPAR ANGUS - Proposed demolition of existing hotel and residential development at Moorfield House Hotel, Myreriggs Road, Coupar Angus, Blairgowrie - P and J Bjornmark - Report 06/509.

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 development shall comply fully with the Council's Affordable Housing Policy 2005 in terms of providing the appropriate affordable housing quota on site.
5. The indicative layout submitted is not approved.

6. No residential numbers are approved as part of this consent.
7. A detailed application shall be accompanied by a full tree survey which identifies the location and crown spread of all trees and clearly identifies trees which are to be retained and felled.
8. No trees or hedgerows shall be removed from within the site unless agreed in writing by the Council as Planning Authority.
9. 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.
10. 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 Myreriggs Road and implemented prior to the occupation of houses.
11. Myreriggs Road ex-adverso the site frontage from the west end of the site to the site entrance shall be widened to 5.5 metres and all or the majority of the beech hedge and trees shall be retained at the access to the site to the satisfaction of the Planning Authority.

The Committee agreed to impose a further condition as follows:

12. The development shall not be begun until a contaminated ground investigation has been carried out in respect of the site by a suitable qualified consultant, and a scheme to deal with any contamination on the site has been submitted to and approved by the Planning Authority.

(13) 06/00663/OUT - KINROSS - Erection of 2 dwellinghouses (in outline) at Cleish Mains Steading, Kinross - Mr and Mrs A Scott - Report 06/510.

Mr Whalley, representing the applicants, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, on the grounds that the proposal would not have a detrimental impact on the landscape of the area as it would not be visually prominent, subject to conditions to be formulated by the Head of Development Standards, including an assessment on how the impact of increased phosphorus loading on the Loch Leven catchment area would be mitigated, and restriction on the height of the dwellinghouses.

(14) 06/00807/FUL - PERTH - Change of use of existing building to incorporate a mixed class occupancy consisting principally of coffee shop (class 3); community (senior citizen), public worship and social activities of a religious body (class 10) with subsidiary uses comprising of bookshop (class 1) office (class 4) and crèche at Former Lidl Site, Riggs Road, Perth - People with a Mission Ministries - Report 06/514.

Mr Milne, representing the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors Lumsden and Livingstone) – Grant for a limited period of 5 to 7 years, subject to conditions to be formulated by the Head of Development Standards on the grounds that the proposal is not contrary to (1) Policy 42 of the Perth Local Plan as the proposal is for community facilities; and (2) Policy 65 of the Perth Local Plan as there is adequate provision of car parking and servicing.

Amendment (Councillors Caddell and E Grant) - Refuse, for the reasons detailed in Report 06/514.

Amendment - 3 votes

Motion - 8 votes

Resolved:

In accordance with the Motion.

- (15) **06/00685/MOD - PERTH - Deletion of Condition 24, requiring demolition of existing food store, attached to previous consent 05/01246/FUL for the erection of class 1 (retail) unit at LIDL UK GMBH, Riggs Road, Perth - LIDL UK GMBH - Report 06/511.**

Resolved:

Amend Condition 24 of consent 05/01246/FUL to read "There shall be no further retail use of the previous Lidl food store on the west side of Riggs Road and that building shall be demolished and the site cleared to the satisfaction of the Planning Authority by 1 July 2007 unless planning permission 06/00807/FUL is implemented in the meantime, in which case the demolition and clearance shall be undertaken within one year of the cessation of use or expiry of consent 06/00807/FUL whichever is the sooner."

- (16) **06/00687/FUL - PERTH - Extension to house to form sun lounge at 31-33 King Street, Perth - Mr and Mrs Donaldson - Report 06/512.**

Resolved:

Refuse, for the following reason:-

1. The design of the proposed extension is out of harmony with the existing building, due primarily to roof pitch, cill level and window and door design, and, as such, would detract from the character and appearance of the Conservation Area within which the site is located and adversely affect the setting of nearby listed buildings. Approval would therefore be contrary to Policies 11, 14 and 54 of the Perth Central Area Local Plan 1997, Environment and Resources Policy 8 of the Structure Plan, to the Memorandum of Guidance on Listed Buildings and Conservation Areas and to the statutory duty.

COUNCILLOR LIVINGSTONE LEFT THE MEETING PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM AND COUNCILLOR YOUNG LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

- (17) **06/00793/FUL - ERROL - Erection of two dwellinghouses on land at North Lodge, Fingask, Errol - Mr R W Hynd -Report 06/513.**

Mr Roger, representing the applicant and Mr MacMillan and Mr Frew, objectors to the application, addressed the Committee, and, following their respective representations, all withdrew to the public benches.

Resolved:

Refuse, on the grounds that (1) the proposals would be detrimental to the character of the area as the private access is unsuitable for increased vehicular traffic; (2) the proposal is contrary to Policy 32 of Housing in the Countryside as the dwellinghouse would not be located within a confined site and (2) access to the site raised issues of pedestrian and road safety.

- (18) **06/00860/FUL - METHVEN - Erection of a dwellinghouse at land adjacent to 14 Main Street, Methven, Perth - K & S Building Services - Report 06/515.**

Resolved:

Defer, for further investigation and consultation with relevant authorities on an alternative to accessing the property from Drumgrain Avenue.

With reference to Arts. (19), (20) and (21) below, a copy of the overall plan of all three sites (06/00902/FUL; 06/00903/FUL; and 06/00904/FUL) was tabled by the Head of Development Standards.

- (19) **06/00902/FUL - KELTNEYBURN - Conversion of farm building and house to form single dwelling house at Plot 3A, Drumcharry Farm, Keltneyburn, Aberfeldy - Mr and Mrs Allan - Report 06/516.**

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. 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.
4. 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.

- (20) **06/00903/FUL - KELTNEYBURN - Conversion of former bothy/shed to form a dwellinghouse with extension to rear at Plot 3C, Drumcharry Farm, Keltneyburn, Aberfeldy- Mr and Mrs Allan - Report 06/517.**

Resolved:

Refuse, for the following reasons:-

1. The proposal is contrary to Policy 54 Housing in the Countryside of the Highland Area Local Plan (2000) in that the proposal extends the existing nucleated group.
2. The proposal is contrary to the Council's Housing in the Countryside Policy (December 2005) in that the proposal extends the existing group into an undefined sense of place.
3. The development of a house on this site will result in an over development of the site as a whole by increasing the density of this rural site.

- (21) **06/00904/FUL - KELTNEYBURN - Conversion of ruined farm building to form a single dwelling house at Plot 3B, Drumcharry Farm, Keltneyburn, Aberfeldy - Mr and Mrs Allan - Report 06/518.**

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. 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.
4. 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.

(22) 06/00927/FUL - MAWCARSE - Erection of two dwellinghouses at Mawcarse, by Milnathort - DB Allan Construction - Report 06/519.

Resolved:

Refuse, for the following reasons:-

1. The proposal is contrary to the development criteria in Policy 2 of the Kinross Area Local Plan 2004 as it creates an unsatisfactory site layout, {contrary to 2(b) and (f)}, with inadequate landscaping, {contrary to 2(a) and (f)}, which adversely affects the visual character of the settlement, {contrary to 2(b)}, and does not provide adequate useable private amenity space to the rear of the dwellinghouse in plot 2, {contrary to 2(f)}.
2. The proposal is contrary to Policy 5 of the Kinross Area Local Plan 2004 as it would harm rather than conserve landscape features and landscape character.
3. The proposal is contrary to Policy 6 of the Kinross Area Local Plan in relation to materials (6(a)), proportions (6(d)) and fit (6(e)).
4. The proposal is contrary to Policy 94 of the Kinross Area Local Plan 2004 as it creates an unsatisfactory site layout with inadequate landscaping which adversely affects the density, character and amenity of the settlement, particularly in relation to loss of trees and the creation of ribbon development.

(23) 06/01035/FUL - BRIDGE OF EARN - Extension to dwellinghouse at 1 Dron View, Bridge of Earn - Mr and Mrs G Smith - Report 06/523.

Resolved:

Refuse, for the following reason:-

1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, incorporating Alteration No 1 "Housing Land 2000", as it would visually imbalance the property and introduce an incongruous element into the street scene, which would adversely affect the character and amenity of the village.

(24) 06/01118/FUL - PERTH - Erection of conservatory at 4 Pine Way, Perth - Mrs McColl - Report 06/524.

Resolved:

Refuse, for the following reasons:-

1. The proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 incorporating Alteration No 1 – Housing Land 2000 as it represents an incongruous and unsympathetic addition which will adversely affect the visual character of the host building and surrounding area.
2. The proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 incorporating Alteration No 1 – Housing Land 2000 as it will adversely affect neighbouring amenity.