

# DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Thursday 18 October 2007 at 9.30am.

Present: Councillors W Wilson, M Barnacle, K Lyall, R Band (excluding Art. 626(1)) (substituting for L Caddell) (excluding Art. 626(1)), I Campbell, C Gillies (substituting for A MacLellan), E Grant, E Howie, J Kellas, W Lumsden, M Lyle and H McDonald.

Apologies: Councillor A Jack.

In Attendance: Councillor J Flynn (Art. 626(1) only) N Brian, A Condliffe, A Fleming, M Watson, A Bendall, N Williamson and G Peebles (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

## 622. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn by the applicant:

**07/00994/FUL – METHVEN – Installation of high ropes course (team building activity), Blue Sky Experiences, Bachilton Farm, Methven – Blue Sky Experiences – Report 07/659**

## 623. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor R Band declared a non-financial interest in planning application 06/02533/REM (Art. 626(1)) and Councillor M Barnacle declared a non-financial interest in planning application 07/00915/FUL (Art. 627(1)).

## 624. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 19 September 2007 (Arts. 558-563) was submitted, approved as a correct record and authorised for signature.

## 625. 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.
06/02533/REM	626(1)
07/01105/FUL	626(2)
07/00915/FUL	627(1)
07/01403/FUL	627(4)
07/01026/FUL	627(5)
07/01289/FUL	627(6)
07/01292/FUL	627(7)
07/01730/FUL	627(9)

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

## 626. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

COUNCILLOR R BAND LEFT THE MEETING AT THIS POINT.

(1) **06/02533/REM – PERTH – Erection of 14 detached dwellinghouses, 18 terraced dwellinghouses and 96 flats at Perth College, Crieff Road, Perth – Bett Homes (North East Scotland) Ltd And Other – Report 07/653**

N Brian, Development Quality Manager, advised the Committee that there were new procedures now in place with regard to applications in which a local authority has a financial interest. If the Committee was minded to approve this application, then the objectors would require to be re-notified. The Council is then required to consider subsequent representations from these parties. He proposed that if no substantive issues were raised after fourteen days the matter be delegated to him to determine and the application could be submitted to the Scottish Executive. If there were new substantive issues or concerns raised, then the application would require to come back to the Development Control Committee.

G Fogg, Senior Solicitor, informed the Committee that, if the application was successful, the affordable housing element would require to be covered by a Section 75 Agreement in order to cater for any future change of ownership.

Mr N Davidson, on behalf of the applicant, Ms M Exley, Principal of Perth College, speaking in support of the application, Mr D McNaughton and Ms F Reid, all objectors to the application, addressed the Committee. Ms F Reid also read out a statement on behalf of Mr I Carnegie, objector. Following their respective representations, all speakers withdrew to the public benches.

In terms of Standing Order 53, Councillor J Flynn, one of the Elected Members representing Ward 11, addressed the Committee.

Motion (Councillors W Wilson and J Kellas) – Grant, subject to conditions contained in Report 07/653.

**Amendment (Councillors C Gillies and I Campbell) – Refuse, on the grounds that the proposed flats by reason of their height and massing would be out of keeping with the surrounding development to its visual detriment and would be overpowering to existing housing leading to overlooking and loss of privacy.**

Amendment – 7 votes

Motion – 4 votes

**Resolved:**

In accordance with the Amendment.

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

(2) **07/01105/FUL – POWMILL – Proposed steading development for 6 dwellinghouses at Barnhill Farm, Powmill, Dollar – Trilogy LP – Report 07/654**

N Brian, Development Quality Manager, advised the Committee that a further submission had been received from the agents confirming that there was still an element of storage within the buildings. The applicants had confirmed they were in receipt of a letter from a veterinary practice confirming that the buildings are deemed unsuitable for animal welfare. The steading buildings are owned by a development company.

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

**Resolved:**

**Refuse**, on the grounds that the application is contrary to Policies 1, 2 and 64 of the Kinross Area Local Plan.

## 627. PLANNING APPLICATIONS FOR CONSIDERATION

### (1) 07/00915/FUL – CLEISH – Demolition of redundant farm buildings and erection of 10 steading units and 3 dwellinghouses at Boreland Farm, Cleish – Thomson Homes – Report 07/655

Mr K Thomson, applicant, followed by Mr N Kilpatrick, Mr A Whitehead and Mr R Kitchin, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Refuse**, on the grounds that the application is contrary to:

1. Policies 1, 2 and 64 of the Kinross Area Local Plan; and
2. Scottish Planning Policy 15 and Planning Advice Note 72.

THE COMMITTEE ADJOURNED.

THE COMMITTEE RECONVENED.

### (2) 07/00926/OUT – CLEISH – Erection of dwellinghouse (in outline) at Moreland Farm, Cleish – Mr L Mitchell – Report 07/656

**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 proposed dwellinghouse shall be single storey in appearance and the design shall reflect the local rural design characteristics and should avoid any urban or suburban design elements.
5. Development should not begin until the applicant or their agent has submitted to and have approved in writing by the Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to access the ground conditions in relation to protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British Standards.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
7. 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. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the C493 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide, kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
9. The vehicular access shall be reformed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
10. The public road over a length of 6m immediately adjacent to the access shall be widened to a minimum of 5.5m.
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 2m by 90m shall be provided to the right and left of the access measured between points 1.05m above the adjacent road channel level.

**(3) 07/01621/OUT – CLEISH – Outline application for 2 dwellings at Moreland Farm, Cleish – Mr L Mitchell – Report 07/657**

**Resolved:**

**Refuse**, on the grounds that the application is contrary to Policies 5 and 64 of the Kinross Area Local Plan.

**(4) 07/01403/FUL – RUMBLING BRIDGE – Erection of 4 dwellinghouses with ancillary garages and driveways, formation of car parking, landscaping and reinforcement to structural landscaping belt at land at Braehead, Rumbling Bridge – Thomson Homes Limited – Report 07/658**

N Brian advised the Committee that a request had been made to bring the footpath along the north side of the site to respect the privacy of the adjacent property. The applicant had refused to comply but, if the application was approved, this could be made a condition.

Ms C Ritchie, 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. 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. 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. The bus pick-up and drop-off points shall be completed prior to the occupation of the first house.
6. Prior to the start of work on site a fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all planting shall be submitted to and approved in writing by the Planning Authority. This plan shall include a revised parking layout indicating 8 car parking spaces. New tree planting should be of indigenous species.
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. Maintenance shall include the replacement of plant stock which fails to survive for whatever reason as often as is required to ensure the establishment of the approved landscaping scheme.

8. The living accommodation in the detached garages hereby approved shall remain ancillary to and incidental to the enjoyment of the dwelling house and shall not be sold or let as separate residences, all to the satisfaction of the Planning Authority.

The Committee unanimously agreed to include the following additional condition:

9. A footpath shall be formed along the line marked yellow on the stamped approved plan to the satisfaction of the Planning Authority. The footpath, together with the frontage footpath, shall be completed prior to the occupation of any of the dwellings. Details of a landscaping scheme for the triangular area formed by the footpath shall be lodged prior to the commencement of work on the site and implemented within a timescale agreed prior to commencement on site.

**(5) 07/01026/FUL – BRIDGE OF CALLY – Conversion of steading to 7 dwellinghouses at Easter Bleaton Farm, Bridge of Cally – Mr and Mrs Pay – Report 07/660**

A Condliffe advised the Committee that, should the Committee approve this application, there should be an amendment to Condition 5 with regard to the wording for the weight restriction. She also advised that the affordable housing element and the commuted sum for Education and Children's Services would be included in a Section 75 Agreement.

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

**Motion (Councillors W Wilson and E Howie) – 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. **Development shall not begin until the applicant or their agent has submitted to and have had approved in writing by the Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies a requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application site that may cause constraint to the proposed end use. The investigation shall comply with relevant good practice, government guidance in force and any applicable British and European Standards**
4. **Prior to any work starting on site the repair works recommended in the Allen Gordon, Civil and Structural Engineer's report on the existing bridge serving the site over the Blackwater shall be carried out to the satisfaction of the Council as Planning Authority.**
5. **Prior to any work starting on site, appropriate signing for weight restriction shall be erected on either side of the existing bridge serving the site. The weight limit shall be based on a qualified engineer's assessment of the existing bridge.**
6. **The missives and titles to the new properties shall contain a condition to the effect that owners shall be responsible for a regular 5 year structural inspection and report on the existing bridge serving the site**

by a fully qualified chartered structural engineer and any strengthening or repairs recommended in the report carried out within six months of the date of the report.

7. Prior to any work starting on site the Council shall have sight of and approve a legal agreement between the applicant and the landowner[s] whose land is incorporated within the 4.5m by 180m visibility splays to the right and left of the access to the A93 to the effect that all vegetation within these splays shall be maintained at a height no greater than 1m measured from the adjacent A93 road channel level.
8. The site shall be served by the existing private access which shall be provided with inter-visible passing places at approximately 100m centres. The access shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
9. The vehicular access to the A93 Blairgowrie to Braemar Road shall be reformed in accordance with specification Type C, Fig 5.7, access detail to the satisfaction of the Planning Authority.
10. Full visibility splays of 4.5m by 180m shall be provided to the right and left of the access measured between points 1m above the A93 adjacent road channel level. This will involve the removal of existing trees and scrub between the A93 road edge and the adjacent watercourse and once implemented the visibility splays shall be maintained to this standard.
11. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
12. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
13. "Pick up and drop off" areas for bus passengers shall be provided on both sides of the A93 public road adjacent to the access to the development prior to the occupation of the first house. 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.
14. 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.

The Committee unanimously agreed the following further condition:

15. A Section 75 Agreement be drawn up to include (i) visibility splays; (ii) affordable housing; (iii) education; and (iv) a five year structural inspection of the bridge.

Amendment (Councillors E Grant and H McDonald) – Refuse, on the grounds of (i) road safety issues; (ii) access problems with regard to the junction of the A9; and (iii) availability of the bridge to take extra traffic.

Amendment – 6 votes

Motion – 6 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

**Resolved:**

In accordance with the Motion.

- (6) **07/01289/FUL – PERTH – Change of use of retail unit to hot food takeaway with seating at Unit A5, Highland House, 7 St Catherine's Road, Perth – K W Properties Ltd – Report 07/661**

Mr D Baynes, KW Properties Ltd, applicants, followed by Mr C White and Mr T Philson, both 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 hours referred to in Condition 3 being amended as stated herein:**

1. **An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours from the shop are not exhausted into or escape into any neighbouring dwellings. Full details of the ventilation system shall be submitted to the Planning Authority for approval prior to works commencing along with a maintenance plan.**
2. **Noise levels and vibration from the operations of any plant or equipment including any ventilation system associated with operation of the business shall be controlled such that they are not perceptible in any neighbouring dwelling.**
3. **The delivery of goods to the premises shall take place between 8.00am and 5.00pm Mondays to Saturdays and at no other time.**
4. **The bin store as approved shall be completed in accordance with the approved plans prior to the commencement of the use of the premises as a hot food takeaway.**

**The Committee unanimously agreed to include the following additional condition:**

5. **Details of appropriate hard landscaping with regard to the bin stores be provided to the Development Quality Manager prior to the commencement of work.**

Amendment (Councillors C Gillies and B Band) – Refuse, on the grounds that the application would be detrimental to the amenity of the neighbouring properties.

Amendment – 4 votes

Motion – 7 votes

**Resolved:**

In accordance with the Motion.

COUNCILLOR E HOWIE LEFT THE MEETING AT THIS POINT.

- (7) 07/01292/FUL – PERTH – Change of use of retail unit to hot food takeaway with seating at Unit A3, Highland House, 7 St Catherine’s Road, Perth – K W Properties Ltd – Report 07/662**

Mr D Baynes, KW Properties Ltd, applicants, followed by Mr C White and Mr T Philson, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Wilson and W Lumsden) – Grant, subject to the following conditions and the hours referred to in Condition 3 being amended as stated herein:**

1. **An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours from the shop are not exhausted into or escape into any neighbouring dwellings. Full details of the ventilation system shall be submitted to the Planning Authority for approval prior to works commencing along with a maintenance plan.**
2. **Noise levels and vibration from the operations of any plant or equipment including any ventilation system associated with operation of the business shall be controlled such that they are not perceptible in any neighbouring dwelling.**
3. **The delivery of goods to the premises shall take place between 8.00am and 5.00pm Mondays to Saturdays and at no other time.**
4. **The bin store as approved shall be completed in accordance with the approved plans prior to the commencement of the use of the premises as a hot food takeaway.**

**The Committee unanimously agreed to include the following additional condition:**

- 5. Details of appropriate hard landscaping with regard to the bin stores be provided to the Development Quality Manager prior to the commencement of work.**

Amendment (Councillors C Gillies and B Band) – Refuse, on the grounds that the application would be detrimental to the amenity of the neighbouring properties.

Amendment – 4 votes

Motion – 7 votes

**Resolved:**

In accordance with the Motion.

COUNCILLOR C GILLIES LEFT THE MEETING AT THIS POINT.

- (8) 07/01340/FUL – CRIEFF – Partial demolition and redevelopment of existing building to form 20 flats and associated parking at 57 King Street, Crieff – Kilt and Kelt Ltd – Report 07/663**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. A 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 Commissioner Street and implemented prior to the occupation of the dwellings.
4. The vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
5. The gradient of the access shall not exceed 3% for the first three 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.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
7. A minimum of twenty car parking spaces shall be provided within the site.
8. A secure waterproof cycle parking facility for a minimum of ten cycles shall be provided within the site, the details of which shall be agreed in writing prior to the commencement of development, to the satisfaction of the Planning Authority.
9. Prior to the commencement of development, details and samples of the roof, wall and window materials and finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.
10. 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 development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
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.
12. The slates on the original hotel building shall be retained and re-used to the satisfaction of the Council as Planning Authority.

**(9) 07/01730/FUL – CRIEFF – Formation of new football pitches, car parking facilities, erect new clubhouse and form recreational area on land to the west of Alichmore Lane, Crieff - Crieff Juniors Football Club – Report 07/664**

Mr R Jack and Ms F Walton, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors H McDonald and W Lumsden) – Refuse, on the grounds that the proposed development:**

- (i) by reason of the proximity of the football pitches to existing houses would result in a loss of residential amenity through noise and general disturbance; and**
- (ii) would generate both pedestrian and vehicular traffic along an existing shared commercial access which would lead to a conflict between the two.**

Amendment (Councillors M Lyle and J Kellas) – Defer, to allow consideration of screening and the clarification of alternative facilities.

Amendment – 5 votes

Motion – 5 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

**Resolved:**

In accordance with the Motion.