

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 7 May 2008 at 9.30am.

Present: Councillors W Wilson, M Barnacle, K Lyall, R Band, L Caddell, I Campbell, E Grant, J Kellas, W Lumsden, M Lyle, H McDonald and D Melloy (substituting for Councillor A Jack).

In Attendance: Councillors B Vaughan and A Wylie (both up to and including Art.290(2)); N Brian, A Condliffe, R Bean, A Baxter, K Stirton, B McNaughton, C Redmond, A Fleming, L Reid, L Darling and M Petrie (all The Environment Service); G Fogg (Corporate Services) and Y Oliver and A Brown (up to and including Art. 289) (both Chief Executive's Service).

Apologies for Absence: Councillors A Jack and A MacLellan

Councillor W Wilson, Convener, Presiding.

287. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor H McDonald declared a non-financial interest in planning application 07/01881/FUL (Art. 290(1)).

288. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 2 April 2008 (Arts. 206-209) was submitted, approved as a correct record and authorised for signature.

289. 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.
07/01881/FUL	290(1)
07/02617/FUL	290(2)
07/02515/FUL	290(3)
08/00318/FUL	290(6)

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

290. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **07/01881/FUL – BRIDGE OF EARN – Demolition of existing buildings and erection of 9 townhouses at former garage and filling station, Main Street, Bridge of Earn – Wilburn Homes Ltd – Report 08/244**

Mr M Myles, agent, on behalf of the applicant, and Mr J Dagen, agent, on behalf of an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Lumsden and R Band) – Refuse, for the following reasons:

- 1. The application is contrary to Policy 71 of the Perth Area Local Plan 1995 in that it would be detrimental to the residential amenity; and**
- 2. The application is contrary to Policies 33 and 50 of the Draft Perth Area Local Plan 2004 in that it would adversely affect density in the village and would block out sunlight to neighbouring houses as well as compromise privacy of existing owners.**

Amendment (Councillors L Caddell and J Kellas) – Grant, subject to the conditions contained in Report 08/244, but subject to the deletion of Procedural Note B, pertaining to the financial contribution towards educational provision.

Amendment – 4 votes

Motion – 6 votes

Resolved:

In accordance with the Motion.

A second Amendment by Councillor E Grant, to grant subject to the conditions contained in Report 08/244, failed to secure a seconder and the second Amendment accordingly fell.

- (2) **07/02617/FUL – CALLIACHER – Formation of a windfarm (14 turbines) and associated infrastructure works at Calliacher, near Aberfeldy – I&H Brown Calliacher Ltd – Report 08/243**

Mr S Brown, Ms L Guthrie and Mr B Sheridan, on behalf of I & H Brown Ltd; Ms J Wilson, objector, on behalf of Amulree and Strathbraan Windfarm Action Group; Mr N Hawkins, objector, on behalf of the John Muir Trust; Mr I Kelly, objector, on behalf of Cadogan Estates and Mr D Ogilvy Watson, objector, addressed the Committee, and, following their respective representations, withdrew to the public benches.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

In accordance with Standing Order 53, Councillors B Vaughan and A Wylie, two of the Elected Members representing Ward 5, addressed the Committee.

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors J Kellas and K Lyall) – Refuse, on the grounds that the application:

1. will have a serious detrimental effect, singularly and cumulatively, on the surrounding landscape;
2. contravenes Perth and Kinross Council's Development and Local Plan Policies and supplementary guidance;
3. contravenes Policies 1, 2 and 3 of Perth and Kinross Council's Structure Plan; and
4. contravenes Policies 2, 3 and 11 of Perth and Kinross Council's adopted Highland Area Local Plan.

Amendment (Councillors W Wilson and L Caddell) – Grant, subject to conditions contained in Report 08/243.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

(3) 07/02515/FUL – RHYND – Erection of house and garage with flat above, land at Easter Tarsappie, Rhynd – Mr D Quinn – Report 08/245

Mr W Beatson, agent, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors M Barnacle and W Lumsden) – Refuse, for the reasons contained in Report 08/245.

Amendment (Councillors L Caddell and M Lyle) – Grant, subject to conditions to be formulated by the Development Quality Manager as the application is in accordance with the Supplementary Housing in the Countryside Policy 2005.

Amendment – 7 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

(4) 07/02838/FUL – CLEISH – Demolition of redundant farm buildings and erection of 10 steading units at Boreland Farm, Cleish – Thomson Homes Ltd – Report 08/246

Motion (Councillors M Barnacle and I Campbell) – Oppose the appeal, for the following reasons:

1. The proposed development would be contrary to Policies 1, 2 and 64 of the Kinross Area Local Plan 2005.
2. The proposed development would be contrary to the Housing in the Countryside Policy 2005.
3. The proposed development would be contrary to the advice contained in Scottish Planning Policy 15 “Planning for Rural Development”.
4. The proposed development would be contrary to Planning Advice Note 72 “Housing in the Countryside”.

Amendment (Councillors L Caddell and M Lyle) – The appeal be not opposed on the following conditions:

1. **The development shall be begun within a period of five years from the date of this consent.**
2. **The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.**
3. **Prior to the occupation of the dwellinghouses, a barn owl ledge shall be incorporated into the development to the satisfaction of the Planning Authority.**
4. **The vehicular access to the steading unit shall be formed in accordance with the Council’s Roads Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority. All prior to the occupation of any of the units.**
5. **The gradient of the access to the steading unit shall not exceed 3% for the first 6.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.**
6. **Two off-street car parking spaces per house shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling and maintained permanently thereafter.**
7. **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. Such provision shall be made prior to the occupation of any of the units and shall be maintained permanently thereafter.**
8. **The U212 ex adverso the site shall be widened to give a minimum carriageway width of 5.50 metres to the standard and specification required by the Council as roads authority**

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

- to the satisfaction of the planning authority prior to the occupation of any of the units.
9. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the U212 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 prior to the occupation of any of the units.
 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. The stone dowlings from the demolitions within the site shall be re-used in the proposed new units to the satisfaction of the Planning Authority.
 12. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 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 curtilages of the dwellings.
 13. 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.
 14. 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.
 15. 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 and development shall not commence prior to the approval of that scheme. The scheme shall include details of the

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

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 within 6 months of the occupation of the house; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

16. Major site preparation works such as demolition of buildings, removal of roofs or tree/scrub clearance must be undertaken outwith the breeding season (i.e. not between 1 March and 31 August). If this is not possible, then it must be to the prior approval of the Planning Authority and a survey must be undertaken to confirm there are no nesting birds present. This survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist and must be undertaken prior to any works commencing on site.

Amendment – 5 votes

Motion – 5 votes

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

Resolved:

In accordance with the Amendment.

COUNCILLOR M BARNACLE LEFT THE MEETING AT THIS POINT.

- (5) **08/00105/FUL – MILNATHORT – Variation of condition 12 of planning consent 05/02085/OUT, Site of Former Ochil Hills Hospital, Tillyrie, Milnathort – Fossoway LLP – Report 08/247**

Resolved:

Grant, subject to the following condition:

Condition 12 of planning consent 05/02085/OUT now reads:

‘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.’

- (6) **08/00318/FUL – MILNATHORT – Variation of condition 5 (application 05/00362/FUL) for relaxation of opening hours at Heaven Scent, 19 South Street, Milnathort – Andrew D Scott – Report 08/248**

Mrs P Cambers, objector to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Refuse, for the following reason:

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
7 May 2008

The proposal is contrary to Policy 2(c) of the Kinross Area Local Plan 2004 as the extension of operating hours would cause a noise nuisance detrimental to the residential amenity of the local community.

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