

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
18 March 2009

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 18 March 2009 at 9.30am.

Present: Councillors W Wilson, Councillor K Lyall, R Band, L Caddell, I Campbell, C Gillies (up to and including Art 156(9)), E Grant, A Jack, J Kellas (up to and including Art 156(6)) W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: N Brian, D Buchanan (from Art. 156(10)), A Condliffe, A Fleming, K Stirton, B McNaughton, J Williamson, J Russell (from Art 156(7)) and J Crothers (up to and including Art 156(6)) (all The Environment Service); C Elliott (Corporate Services) and Y Oliver (Chief Executive's Service).

Councillor W Wilson, Presiding.

153. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

154. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 11 February 2009 (Arts. 69-72) was submitted, approved as a correct record and authorised for signature.

155. 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. |
|-------------------------------|---------------|
| 08/01577/FUL and 08/02357/FUL | 156(2)and (3) |
| 08/00864/FUL | 156(5) |
| 08/01648/MW | 156(6) |
| 08/02337/FUL | 156(9) |
| 08/02382/FUL | 156(10) |
| 09/00020/FUL | 156(11) |

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

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156. PLANNING APPLICATIONS FOR DETERMINATION

(1) 07/00794/FUL – BRACO – Erection of four wind turbines and associated infrastructure at Greenacres Plantation, Braco – Eco 2 Ltd – Report 09/153

N Brian, Development Quality Manager, advised the Committee that he had been contacted by Braco and Greenloaning Community Council. Whilst Muthill and Tulliebardine Community Council had been consulted, the planning application lay in the Braco and Greenloaning Community Council area. The comments subsequently received from Braco and Greenloaning Community Councils had been noted. They were supportive of the recommendation. The issues raised were covered in the report.

Resolved:

Refuse, for the following reasons:

1. The proposal is sited within an inappropriate location, which will have a significant cumulative impact on the existing landscape character and visual amenity of the area in combination with other consented wind clusters in the locality and the proposed Beauly – Denny Transmission Line. Accordingly the proposal is contrary to SPP6, Environment and Resource Policy 14 of the Perth and Kinross Structure Plan 2003, Policies 2, 3 and 11 of the Strathearn Area Local Plan 2001 and Guideline 3 (Cumulative Landscape and Visual Impacts) of the Council's supplementary planning guidance for Wind Energy Proposals in Perth and Kinross, which all seek to ensure that the natural environment within Perth and Kinross is not adversely affected by new developments in inappropriate locations.
2. The proposal, by virtue of the unacceptable loss of amenity to houses caused by noise and the lack of any mitigation measures to guard against this loss is considered to be contrary to Guideline 6 of the Council's 'Wind Energy Policy Guidelines', to the Perth and Kinross Structure Plan 2003 Environment and Resources Policy 14 and to Policies 2 and 11 of the Strathearn Area Local Plan 2001.
3. It has not yet been demonstrated that the impact on nearby springs, watercourses and private water supplies can be mitigated satisfactorily and therefore the proposal is not, at present, in accordance with Guideline 7 'Water Resources' of the Council's Wind Energy Policy Guidelines, the Perth and Kinross Structure Plan 2003 Environment and Resources Policy 14 and the Strathearn Area Local Plan Policies 1 and 11.

Procedural Notes:

1. The approval by the Committee should include a justification for departing from the Development Plan.
2. Prior to the issuing of any consent the Planning Authority must, under sections 17, 19 and 22(3) of the Town and Country

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Planning (General Development Procedure) (Scotland) Order 1992 (as amended), first formally notify the Scottish Ministers of its intention to approve the application contrary to the view of Scottish Natural Heritage .

The Committee unanimously decided to conjoin deputations for applications 08/01577/FUL and 08/02357/FUL.

(2) 08/01577/FUL – KENMORE – Erection of commercial leisure development and associated works at Croft Na Caber, Kenmore – Strathtay Developments – Report 09/154

A Condliffe, Applications Team Leader, advised the Committee that, should it be minded to approve, an additional condition be included with regard to the provision of a cycle parking facility.

E Strickland, applicant and I Anderson and J Duncan-Miller, both objectors to the applications, addressed the Committee in respect of application 08/01577/FUL and 08/02357/FUL, and, following their respective representations, 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 accompanying the application, unless otherwise provided for by conditions imposed on the planning consent.
3. No development shall take place within the development site as outlined in the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of 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.
4. The approved units, with the exception of the manager's house and staff accommodation to the far south of the site and marked in green on the approved site plan, 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.
5. A sample of all proposed materials shall be submitted for the further written approval of the Planning Authority prior to the commencement of development.

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6. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the 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 the Planning Authority.
7. 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.
8. A detailed construction method statement shall be submitted for the further written approval of the Planning Authority prior to the commencement of development. This shall give details of measures to control the release of sediments and pollutants during both (i) the construction of the jetty extension into the loch, and (ii) to prevent harmful materials entering the River Tay SAC from the dry land construction. Supporting information from the Species Surveys, Section 2.21 and 2.27 outlines mitigation measures. These should be included in the Construction Method Statement. In addition the construction method statement shall include details of the following:
 - Pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - Storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
 - Construction site facilities, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - Safeguards for reducing disturbance/pollution to the loch bed during in-loch construction work, including the methodology for installing the outfall pipe which extends into the loch, the machinery required within the loch, the materials that will be used and the measures which will be employed to minimise the release of sediment and pollutants into the loch.
 - Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration and presence of juvenile salmon; all in-river work should not take place in the autumn outwith the salmon run period.
9. The mitigation measures outlined in Section 2.56 and 2.57 of the Species Survey by Nigel Rudd Ecology in regard to bats shall be strictly adhered to. All bat survey work carried out shall be repeated prior to work commencing and if any bats are found work shall be halted and the Planning Authority and SNH informed immediately.

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10. The otter survey shall be repeated prior to the commencement of works to ensure no otters have occupied the site since the previous survey was undertaken. If any otters are found work shall be halted and the Planning Authority and Scottish National Heritage informed immediately and mitigation measures implemented to ensure there is no impact on otters.
11. The red squirrel survey shall be repeated prior to the commencement of works to ensure no red squirrels have occupied the site since the previous survey was undertaken. If any red squirrels are found work shall be halted and the Planning Authority and Scottish Natural Heritage (SNH) informed immediately and mitigation measures implemented to ensure there is no impact on red squirrels.
12. Construction work on site shall only take place during daylight hours unless otherwise agreed in writing with the Planning Authority in consultation with SNH.
13. The location and design of protective fencing around retained trees should be in accordance with BS 5837: 2005.
14. The routing of underground services and the method of trenching for the installation of services should be in accordance with the National Joint Utilities Group (NJUG) publication No. 10.
15. The construction of the driveway and paved areas in proximity to trees should comply with Arboricultural Practice Note (APN 1), Driveways Close to Trees, available from the Arboricultural Association, Ampfield House, Ampfield, Romsey, Hants, SO51 9PA.
16. The location of any materials store shall be outwith the canopy spread of the trees to be retained.
17. The ground levels beneath the canopy spread of the trees to be retained shall not be altered.
18. The approval of application 08/02357/FUL for staff accommodation within the site shall be implemented during the site development programme of this application (08/01577/FUL) and the proposed commercial and leisure development shall not be occupied or used until the completion of the staff accommodation block to the satisfaction of the Council as Planning Authority.
19. No power boating or jet skiing is permitted from the development site other than designated rescue boats to the satisfaction of the Council as Planning Authority.
20. Full details of an on-site recycling facility shall be provided for the further written approval of the Planning Authority prior to the commencement of development.
21. 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. The scheme should also include details of the lighting

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- within the waterside buildings to avoid glare and light seepage given the potential reflection on the loch.
22. The biomass boiler and flue specifications shall be cognisant of the information presented to The Environment Service by Millard Consulting dated 17 December 2008. Any changes to the bio mass boiler and flue specifications shall not take place unless otherwise agreed in writing by the Council as Planning Authority. Details of the elevational treatments and design of the building which will contain the boiler and flue shall be submitted for the further written approval of the Council as Planning Authority prior to the commencement of development.
 23. Prior to the commencement of development details of the scheme for the collection, treatment and disposal of foul sewage from the development shall be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA). Once approved the scheme shall be implemented to the satisfaction of the Council as Planning Authority.
 24. Prior to the commencement of development full details of a scheme for the collection, treatment and disposal of surface water from the development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and SNH. Once approved the scheme shall be implemented to the satisfaction of the Council as Planning Authority.
 25. The drainage arrangements proposed on drawing number 6424/21/005B and referred to in SEPA's consultation response dated 13 February 2009 shall be fully implemented to the satisfaction of the Council as Planning Authority.
 26. The minimum finished floor levels of the proposed lochside properties shall be 110.58 mAOD to the satisfaction of the Council as Planning Authority.
 27. The soundproofing of the commercial areas and the control of all amplified sound therein shall be such that no amplified sound is audible in any nearby residential property.
 28. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into, or escape into, any nearby dwellings.
 29. All plant and equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
 30. The means of access to the site from the C451 South Loch Tay Road and all associated works shall be constructed in conformity with the specifications of the Council as Roads

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Authority and to the satisfaction of the Council as Planning Authority prior to the occupation of the premises.

31. The details of all pedestrian crossings, traffic calming measures, traffic signing and lining shall be agreed in writing with the Council as Roads Authority prior to the commencement of works on site and implemented prior to the occupation of any part of the development to the satisfaction of the Planning Authority.
32. 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 to impose the following additional condition:

33. Prior to the commencement of the development, details of a cycle parking facility shall be submitted to, and agreed in writing by, the Council as Planning Authority. Prior to the occupation or use of the approved development, the agreed facilities shall be fully implemented.

Consent not to be issued until a Section 69 Agreement has been completed and signed in respect of the following issues:

1. The payment of £80,000 to the Council towards the implementation of a footpath link, adjacent to the public road, between the application site and Kenmore.

Procedural Note:

The application is considered to be a departure from the Development Plan and any proposed approval should include a justification for Departure from the Plan. The only element of the proposal which is outside the settlement boundary of Croft Na Caber/Kenmore is the overflow car park and bio mass unit and the manager's house. The bio mass storage, which will be underground, and overflow car park, are heavily screened by existing trees, as is the proposed manager's house. The location of these elements allows for a comprehensive redevelopment of the site and the extension into these areas does not significantly alter the level of built development outwith the settlement boundary and will not result in the setting of a precedent for future development.

Informatives:

1. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and SEPA.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The site may contain habitats of protected species such as red squirrels and bats. The applicant should be aware that these

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are protected by separate legislation and should contact RSPB or SNH regarding this as soon as possible to ensure that the applicant has the necessary consents / permits / licences to proceed with the development.

4. The applicant should be aware of the Regulatory requirements of the proposals under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended), and should continue in dialogue with SEPA regulatory staff. The contact is Ian Thomas, telephone 01738 926798 or email ian.thomas@sepa.org.uk.

Councillor K Lyall moved an amendment that the application be refused. Upon failing to find a seconder, the amendment fell.

(3) 08/02357/FUL – KENMORE – Erection of residential staff accommodation at Croft Na Caber, Kenmore – Strathtay Developments – Report 09/155

E Strickland, applicant and I Anderson and J Duncan-Miller, both objectors to the applications, addressed the Committee in respect of application 08/01577/FUL and 08/02357/FUL, and, following their respective representations, 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 accompanying the application, unless otherwise provided for by conditions imposed on the planning consent.
3. The proposed staff accommodation block be solely used for staff accommodation purposes and shall not be occupied for holiday use at any time.
4. A sample of all proposed materials shall be submitted for the further written approval of the Planning Authority prior to the commencement of development.
5. The location and design of protective fencing around retained trees should be in accordance with BS 5837: 2005.
6. The routing of underground services and the method of trenching for the installation of services should be in accordance with the National Joint Utilities Group (NJUG) publication No. 10
7. The construction of the driveway and paved areas in proximity to trees should comply with Arboricultural Practice Note (APN 1), Driveways Close to Trees, available from the Arboricultural Association, Ampfield House, Ampfield, Romsey, Hants, SO51 9PA.
8. The location of any materials store needs to be outwith the canopy spread of the trees to be retained.

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9. The ground levels beneath the canopy spread of the trees to be retained shall not be altered.
10. The proposed staff accommodation block shall be implemented during the site development programme for application 08/01577/FUL and the staff accommodation block shall be complete prior to the use or occupation of the commercial and leisure development (08/01577/FUL) all to the satisfaction of the Council as Planning Authority.

Procedural Note:

The site for the staff accommodation is considered to be a departure from the Development Plan and any proposed approval should include a justification for Departure from the Plan. The location of the staff accommodation is considered logical as it allows it to be separate from the proposed holiday units in terms of amenity but still within close enough proximity to ensure that the visual impact of the staff accommodation is minimal. This staff accommodation is part of a wider comprehensive scheme to develop the entire site which is in line with various Development Plan policies and is considered that there is a justification in this instance to depart from the Development Plan as this proposal improves further the proposal outlined in application 08/01577/FUL.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

- (4) **08/00610/OUT – BRIDGE OF EARN – Outline Application for an opportunity site and business park for employment uses falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1998 at Brickhall Farm, Bridge of Earn – G & J Farms and the Patterson Family – Report 09/156**

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design and external appearance of the development, the use classes, the landscaping of the site, all means of enclosure, the car parking and means of access to the site including pedestrian/cycling and SUDs shall be as approved by the Planning Authority.
2. 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.
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.

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4. Prior to the submission of any reserved matters or detailed application for this site a detailed design framework including a landscape and planting plan, phasing plan, design statement and public access arrangements for pedestrians/cyclists for the site shall be submitted to the Planning Authority for approval as part of the reserved matters required by Condition 1.
5. The Indicative Layout Plan, Drawing No. BFKCLP, is not approved.
6. A 4.5m barrier shall be constructed along the south boundary of the site to the satisfaction of the Planning Authority.
7. There shall be no Class 6 Use proposed along the north boundary of the site adjacent to the A912, close to the Oudenarde Village Housing. This should be replaced by Class 4 Use.
8. A Noise Impact Assessment shall be carried out to the satisfaction of the Planning Authority prior to the development starting on site and that any control measures recommended in that Assessment are complied with in the development of the prestige site. (Compliance shall be in accordance with the recommendations set out in PAN 56: Planning and Noise).
9. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland - Trunk Road Network Management Directorate, the proposed Class 4 Use land within the development shall not exceed 40,728 sqm of ground floor area.
10. Prior to the commencement of development on-site, a comprehensive Travel Plan which sets out proposals for reducing dependency on the private car shall be submitted to, and approved in writing by, the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review and reporting and the duration of the Plan.
11. Prior to the commencement of any development on-site, proposals for the provision of either new or extended bus services within the Oudenarde North development site, including details of operating hours, frequency of service, route and timescale for introduction, together with evidence of an agreement with a public transport operator to provide this service, shall be submitted to, and approved by, the Planning Authority after consultation with Transport Scotland Trunk Road Network Management Directorate.
12. Concomitant with the occupation of any part of the development the agreed bus services referred to in Condition 11 shall be introduced.
13. Prior to the occupation of any part of the development, the modifications to the existing M90/A912 northbound merging arrangement shall be provided, generally in accordance with TA Millard drawing number 2394/03/15 revision A and associated with the planning application with the Council reference

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- 06/01881/FUL and approved by the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate.
14. Prior to the commencement of any development on-site, a detailed scheme design and specification for modifications to the M90 junction 9 / A912 west roundabout, generally in accordance with Millard drawing number 6845/03/01 dated February 2008, shall be submitted to and approved by the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management Directorate.
 15. Prior to the commencement of any development on-site, a detailed scheme design and specification for modifications to the M90 junction 9 / A912 east roundabout, generally in accordance with Millard drawing number 6845/03/02 dated February 2008, shall be submitted to and approved by the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management Directorate.
 16. Prior to the occupation of any part of the development, the modifications to the M90 junction 9 / A912 east and west roundabouts shall be completed in accordance with the approved plans referred to in Conditions 14 and 15 above to the satisfaction of the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management Directorate.
 17. Along with the first reserved matters or detailed application the applicant shall submit for the approval of the Planning Authority a Biodiversity Management Plan which will incorporate measures that will improve the habitat for birds and other wildlife in this area and include the following measures:
 - the retention of existing trees and/or incorporate new areas of native planting within the development site;
 - reinstatement of defunct hedgerows or plant new species-rich hedgerows within the development site or around the boundary;
 - careful design of the SUDs scheme to enable biodiversity potential to be achieved;
 - details of measures to mitigate any impact on bats and other wildlife in the application site area.
 18. The Shell Pipeline Wayleave and Block Valve site is situated immediately to the east of the application site and prior to any submission of a reserved matters or detailed application the applicant shall consult with the pipeline operator to ensure that any proposals put forward do not prejudice the safety or integrity of the facility.

Procedural Notes:

1. The application is considered to be a departure from the Development Plan (Local Plan) and the justification for recommending approval of a departure to the Local Plan is that the proposal is in accord with the wider and more recent

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National and Structure Plan policy which encourages the integration of transport and economic development in sustainable locations.

(5) 08/00864/FUL – SCONE – Erection of 10 flats, Abbey Road, Scone – A & J Stephen Ltd – Report 09/157

Mr B Osborne, supporter to the application, addressed the Committee, and following his representation, withdrew to the public benches.

In accordance with Standing Order 53, Councillor L Simpson, one of the Elected Members representing Ward 2, addressed the Committee.

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 accompanying the application, unless otherwise provided for by conditions imposed on the planning consent.
3. Upon completion, all units shall remain as 'affordable housing' under the control of the Scottish Veterans' Garden City Association, to the satisfaction of the Council as Planning Authority.
4. Accesses and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation of any dwellings.
5. Prior to the occupation of the dwellings the vehicular access on to Abbey Road shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
6. 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, to the satisfaction of the Council as Planning Authority.
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.
8. Prior to the occupation of the development, a minimum of 14 No. car parking spaces shall be provided within the site and permanently maintained thereafter, to the satisfaction of the Council as Planning Authority.
9. Prior to the commencement of any works on site, precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority.

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Informatives:

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicants are advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

Councillor W Wilson moved an amendment that the application be refused. Upon failing to find a seconder, the Amendment fell.

(6) 08/01648/MW – KINROSS – Modification of condition 10 (hours of operation) of previous consent (04/01322/MW) at Balado Quarry, Kinross – D Geddes (Contractors) Ltd – Report 09/158

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

Motion (Councillors W Wilson and S Miller) – Defer, to allow noise levels to be taken of the de-silting activities by the Environment Service.

Amendment (Councillors J Kellas and K Lyall) – Grant, such that Condition 10 of planning consent 04/01648/MW is varied to state:

“Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays, unless otherwise agreed in writing with the Planning Authority. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations associated with loading and dispatch and de-silting operations prior to the commencement of processing operations only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays”

This conditions to be for a period of one year only.

Informative:

The applicant is encouraged to restore the Quarry Liaison Committee.

Amendment: 4 votes

Motion: 9 votes

Resolved:

In accordance with the Motion.

COUNCILLOR J KELLAS LEFT THE MEETING AT THIS POINT.

FOLLOWING AN ADJOURNMENT FOR LUNCH THE COMMITTEE RECONVENED.

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The Committee unanimously agreed to conjoin hearing the applications 08/01909/FUL and 08/01910/FUL.

- (7) **08/01909/FUL – BLAIRGOWRIE – Erection of poultry shed (re-submission of 08/01853/FUL) at Hillocks of Gourdie Farm, Blairgowrie – Cope Farming Company – Report No 09/159**

Resolved:

Refuse, for the following reason:

The proposal is contrary to Policy 45 in the Eastern Area Local Plan 1998 where it relates to the Lunan Valley Catchment Area as it will harm the nature conservation interests due to the increase in phosphorous pollution to the Loch of Clunie from the chicken manure and the resulting nutrient enrichment of the loch. Scottish Natural Heritage has formally objected on grounds of adverse effect on important natural heritage interests.

Procedural Note:

This decision requires to be referred to the Scottish Ministers in view of the objection from SNH as a statutory consultee.

- (8) **08/01910/FUL – BLAIRGOWRIE – Erection of steel storage shed (re-submission of 08/01853/FUL) at Hillocks of Gourdie Farm, Blairgowrie – Cope Farming Company – Report 09/160**

Resolved:

Refuse, for the following reason:

The proposed shed is to be used in association with a poultry building which is unacceptable since it would be detrimental to nature conservation interests, but as a stand alone proposal, along with a new access arrangement, this application depends upon the outcome of other applications and would appear as visually isolated development unrelated to the nearest farm building group some 140m away both physically and operationally, all contrary to Policy 38 in the Eastern Area Local Plan 1998 which seeks to protect visual amenity by grouping buildings collectively within defined sites.

- (9) **08/02337/FUL – PERTH – Alteration and extension to existing public house to provide a new bookmakers outlet at Welcome Inn, 221 Rannoch Road, Perth – Morrison Bookmakers Limited T/A Scotbet – Report 09/161**

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

In accordance with Standing Order 53, Councillor A MacLellan, one of the Elected Members representing Ward 11, addressed the Committee.

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Motion (Councillors C Gillies and A Jack) – Refuse, on the grounds that:

1. The application is an inappropriate design in relation to the building line of the proposed extension;
2. There are inadequate car parking facilities;
3. There are road safety concerns due to the increase in traffic impact on the area;
4. There will be loss of existing residential amenity due to the extension of the beer garden.

Amendment (Councillors L Caddell and R Band) – Grant, subject to the following conditions:

1. **The development shall be commenced 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 provided for by conditions imposed on the planning consent.**
3. **All external finishes shall match the existing building in type, colour and texture to the satisfaction of the Planning Authority.**
4. **The use of the betting office premises shall fall within Class 2 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 i.e. Financial, Professional and Other Services.**
5. **All plant or equipment, including any ventilation system, shall be so enclosed, attenuated and maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily or Noise Rating 20 between 2300 and 0700 hours daily within any neighbouring residential property, to the satisfaction of the Planning Authority.**
6. **The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible within any nearby residential property.**
7. **No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises.**
8. **The hours of operation of the beer garden shall be restricted to 1130 to 2200 hours daily.**
9. **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 are not exhausted into nor escape into any nearby residential property, to the satisfaction of the Planning Authority.**

Amendment: 9 votes

Motion: 2 votes

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Resolved:

In accordance with the Amendment.

COUNCILLOR C GILLIES LEFT THE MEETING AT THIS POINT.

(10) 08/02382/FUL – ABERFELDY – Demolition of farm buildings and erection of four houses at former farm buildings, Pitilie Farm, Aberfeldy – David Watson – Report 09/162

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

Motion (Councillors L Caddell and E Grant) – Grant, subject to conditions contained in Report 09/162 and also subject to an informative regarding affordable housing contribution in respect of any additional phases of development.

Amendment (Councillors W Wilson and K Lyall) – Refuse, on the grounds that the application is:

- 1. contrary to the Council's Housing in the Countryside Policy 2005 in that the buildings proposed for redevelopment are not redundant; and**
- 2. contrary to the Highland Area Local Plan 2000 Policies 2 and 3 in that the development does not have a landscape framework, does not have regard to the scale, form and density of development in the locality and would not conserve the landscape character of the area.**

Amendment: 6 votes

Motion: 5 votes

Resolved:

In accordance with the Amendment.

(11) 09/00020/FUL – GLENFARGIE – Erection of a dwellinghouse at Plot 5, New Fargie, Glenfargie – Ms A McFarlane – Report 09/163

Mrs A McFarlane, applicant, accompanied by Ms K McGuire, agent on behalf of the applicant, addressed the Committee, and following their respective representations, 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. Prior to the commencement of development, details of soft and hard landscape works for the site shall be submitted to, and approved in writing by, the Planning Authority. This shall include**

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planting plans detailing retained and new planting, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, as well as details of hard surfacing materials. The scheme will specifically look at strengthening boundary definition and ensuring the provision of an area of private amenity space to the front of the dwelling as envisaged in the Design Statement. Thereafter the scheme shall be implemented prior to the residential unit being occupied or earlier.

4. Samples 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 of the dwellinghouse.
5. Surface water from hard surfaces shall be disposed of by a closed soakaway or by the implementation of a Sustainable Urban Drainage Scheme, in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland & Northern Ireland: CIRIA 2000.
6. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 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 dwelling.
7. The proposed car parking layout as approved shall be formed prior to the occupation of the proposed dwellinghouse, all to the reasonable satisfaction of the Planning Authority.

Informatives:

1. The applicant should consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth, regarding a new postal address.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application

Councillor W Lumsden moved an amendment that the application be refused. Upon failing to find a seconder, the Amendment fell.

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