

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 April 2010 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, I Campbell, C Gillies, A Gaunt (substituting for Councillor L Caddell), E Grant, A Jack (up to and including Art 204(1)(ii)), J Kellas, W Lumsden, M Lyle (except Art. 204(1)(ii)), H McDonald and S Miller.

In Attendance: A Condliffe, B Stanford, T Brydone (up to and including Art. 204(1)(ii)), G Johnston, M Petrie, A Marek, B McNaughton, J Williamson and K Stirton (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apology for Absence: Councillor L Caddell.

Councillor W Wilson, Convener, Presiding.

201. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor M Lyle declared a non-financial interest in Art. 204(1)(ii).

202. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 17 March 2010 (Arts. 166-170) was submitted, approved as a correct record and authorised for signature.

203. 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. |
|--------------------------|-------------|
| 09/02196/FLL | 204(1)(ii) |
| 10/00009/FLL | 204(1)(iii) |

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

204. PLANNING APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) **09/01507/FLL – PERTH – Change of use from workshop/office/ sales area to trade counter with ancillary retailing, Unit 1, Blair Street, Perth – Carpet Shed (Dundee) Ltd – Report 10/180**

Resolved:

Grant, subject to the following conditions:

1. The use of the premises shall fall primarily within Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 i.e. Storage or Distribution.
2. The floor area identified on submitted plan, ref 02 rev B, to be partitioned off and used for retail purposes, shall be set out as such and made available to the public by 30 April 2010, to the satisfaction of the Planning Authority and permanently maintained thereafter.
3. The hours of delivery shall be agreed with the Planning Authority and implemented by 30 April 2010, to the satisfaction of the Planning Authority.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, COUNCILLOR M LYLE LEFT THE MEETING AT THIS POINT.

- (ii) **09/02196/FLL – MUTHILL – Change of use from agricultural unit to storage and distribution (Class 6) in retrospect at Caerlaverock Farm, Muthill – John Bayne and Son – Report 10/181**

Mr M Cummings and Mr I Cram, on behalf of the applicant, and Mr G Nicoll, supporter; and Mr M Lamb and Dr P Ewing, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and E Grant) – Refuse, for the following reasons:

1. **The development conflicts with Policy 1 Sustainable Development of the Strathearn Area Local Plan 2001 as the information submitted to justify the functional and location requirement of the storage and distribution centre in this location as opposed to another alternative location is not considered to be**

- robust enough to justify the use being the most sustainable option.
2. The development is contrary to Policy 2(c) of the Strathearn Area Local Plan as the development is not compatible with its surroundings in land use terms and would result in a significant loss of amenity to the local community. The change to the access arrangements is not considered to sufficiently address this matter as the proposed access will now detrimentally affect a neighbour to the east of the site. The functional and locational justification is also not considered robust enough in terms of its detail to merit a departure from this policy.
 3. The development is contrary to Policy 3 of the Strathearn Area Local Plan 2001 which seeks to conserve landscape features and strengthen and enhance landscape character. The proposed “haulage area” results in the removal of an attractive, well-established residential garden and the removal of two mature trees.
 4. The development is contrary to Policy 53 which allows for the re-use of redundant buildings for business as it fails to meet criteria (c) which states that a proposal should not conflict with any other policies contained in the plan.
 5. The development is contrary to Scottish Planning Policy (February 2010) which supports diversification of the rural economy in sustainable locations. The information submitted in support of the storage and distribution use on this site is not considered robust enough to consider this site to be the most appropriate in terms of sustainability and is not considered to provide sufficient information to explain why an alternative site is not more suitable.

Amendment (Councillors J Kellas and W Lumsden) – Minded to Approve, subject to satisfactory conditions to be formulated by the Development Quality Manager, including a noise condition, with those conditions to be brought back to a future meeting of the Development Control Committee on the basis that the proposal is not contrary to the Development Plan.

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.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

COUNCILLOR M LYLE RETURNED TO THE CHAMBERS AT THIS POINT.

COUNCILLOR JACK LEFT CHAMBERS AT THIS POINT.

(iii) 10/00009/FLL – PERTH – Alterations and extension to dwellinghouse at 4 Ardchoille Gardens, Perth – Mr and Mrs Clark – Report 10/182

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

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three 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. Notwithstanding the details shown on the approved plans, the terracotta roof tiles are not approved. Details of the specification and colour of the proposed roof tiles shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt a darker colour of tile will be required.
4. Notwithstanding the details shown on the approved plans, the timber boarding on the dormers and west gable is not approved. Details of the specification and colour of the proposed finish shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The details as approved shall be implemented prior to the occupation and/or use of the development.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section

123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

(2) Applications with Council Interest

(i) 09/00513/IPL – PERTH – Residential flatted development (in outline), 210 Glasgow Road, Perth – Kenscott Inns Limited – Report 10/183

Resolved:

Refuse, for the following reasons:

1. The proposals for residential development would conflict with the objectives of the Development Plan resulting in a loss of open space and diminishing the quality of that open space, whilst adversely affecting the amenity of the area.
2. In the absence of a site specific Flood Risk Assessment the local Planning Authority cannot be satisfied that residential development would be an acceptable use of the site or that such development could be realised in an appropriate form.
3. The development, by virtue of its limited size, narrow width and proximity to an existing road junction would have insufficient provision with regard to access and parking and conflict with pedestrian and traffic safety.
4. Development of the site would compromise the potential for future road improvements necessitated by proposals which may come forward as a consequence of the development of allocated business land to the south west of the application site.

Justification

The proposal is contrary to the Development Plan and there are no material considerations to justify a departure therefrom.

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