

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 22 November 2006 at 9.30am.

Present: Councillors Lumsden (expect for PK/06/02015/FUL (Art. 738(17))), Caddell (except for PK/06/01241/FUL (Art. 738(18))), Coburn (substituting for Councillor Livingstone), E Grant, Howie, Hulbert, MacLellan, McDonald, McEwen, Stewart, Wilson (substituting for Councillor Barnacle) and Young.

In Attendance: Councillor J Lloyd (up to and including PK/06/00886/FUL (Art. 738(3))); I Sleith, B Stanford, M Watson, A Bendall and J Williamson (all The Environment Service); S Watson (Chief Executive's); C Elliot and Y Oliver (both Corporate Services).

Apologies: Councillors Barnacle and Livingstone.

Councillor Lumsden, Convener, Presiding.

734. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn:

06/01736/OUT - PERTH - Erection of two dwellinghouses and garages (in outline) on land at Kirkton of Mailer Road, Craigend, Perth - Mr A Edward - Report 06/800.

735. DECLARATIONS OF INTEREST

Councillor Caddell declared a non-financial interest in planning application 06/01241/FUL (Art. 738(18)) and Councillor Lumsden declared a non-financial interest in planning application 06/02015/FUL (Art. 738(17)).

736. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 25 October 2006 (Arts. 670-676) was submitted, approved as a correct record and authorised for signature.

737. 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.
04/02269/MOD	738(1)
06/00886/FUL	738(3)
06/01539/OUT	738(4)
06/01587/FUL	738(6)
06/01634/OUT	738(8)
06/01734/FUL	738(9)
06/01760/FUL	738(11)
06/01764/OUT	738(12)
06/02001/FUL	738(13)
06/02050/FUL	738(14)
06/02105/FUL	738(15)
06/01241/FUL	738(18)

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

738. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **04/02269/MOD - PERTH - Removal of condition 13, requiring a footpath link, from planning consent PKD83/392 at land at Meal Vennel, Perth - Bae Systems Pension Funds - Report 06/790.**

Councillor John Lloyd, an objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors Lumsden and Howie) - Refuse, on the grounds that (i) the through route from the mall to South Street is still very widely used by the public and (ii) its removal would be contrary to policy 19 of the Perth Central Area Local Plan 1997.

Amendment (Councillors Young and Hulbert) - Grant, subject to the condition detailed in Report 06/790.

Amendment - 3 votes

Motion - 8 votes

Resolved:

In accordance with the Motion.

- (2) **05/02173/FUL - PERTH - Erection of a retail unit and access stairs at Meal Vennel, St Johns Shopping Centre, South Street, Perth - Bae Systems Pension Funds Trustees Ltd - Report 06/791.**

Resolved:

Refuse, for the following reason:

1. The proposal would prejudice retention of the pedestrian through route through the site.

- (3) **06/00886/FUL - KINLOCH RANNOCH - Erection of 40 two bed residential flats consisting of 10 affordable housing units on site of former Bunrannoch Hotel, Kinloch Rannoch, Pitlochry - Langvale Homes and Perthshire Housing Association - Report 06/792.**

Ms Monkton, an objector to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to the Perth and Kinross Structure Plan 2003 Sustainable Communities Policies 3 and 7 in that a need has not been formally identified for the development and as the scale, landscape fit and design forwarded is not considered appropriate for this rural location.
2. The proposal is contrary to the Perth and Kinross Structure Plan 2003 Environment Policies 1, 2 and 3 due to the potential negative impact the proposals will have upon locally and nationally recognised areas of biodiversity, wildlife habitats and scenic quality.
3. The proposal is contrary to Policy 87 of the Highland Area Local Plan 2000 which encourages small scale infill development which does not adversely affect the density, character or amenity of the village.
4. The proposal is contrary to Policy 5 of the Highland Area Local Plan (2000) as it is not considered that the proposal is of a sufficiently high standard of design or layout and as a result would be detrimental to the visual and residential amenity of the surrounding area.
5. The proposal is contrary to the aims of general policy 3 of the Highland Area Local Plan (2000) in that development should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character.

6. The proposal is contrary to Policy 13 of the Highland Area Local Plan as the development is likely to adversely affect the adjoining Special Area of Conservation.
7. The proposal is contrary to Policy 93 of the Highland Area Local Plan as the development will erode and impact upon the area zoned for public open space.
8. In the interests of pedestrian and traffic safety; as the proposal does not have a satisfactory layout and there is insufficient provision with regard to parking and traffic safety.

COUNCILLOR LLOYD LEFT THE MEETING AT THIS POINT.

(4) 06/01539/OUT - PERTH - Replacement of dwellinghouse (in outline) at Greenknowes, Barnhill, Perth - Mrs F Brass - Report 06/794.

Mr M Brass, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, on the grounds that the proposal is not contrary to the Council's Policy on Housing in the Countryside (December 2005), and subject to conditions to be formulated by the Head of Development Standards, including a condition requiring the provision and maintenance of a landscaping framework and the building having a predominantly stonework exterior with a slated roof.

Note: Councillor Wilson moved that the application be refused for the reasons given in Report 06/794. On failing to find a seconder, Councillor Wilson's motion accordingly fell.

(5) 06/01577/FUL - PERTH - Demolition of existing inn and erection of 15 flats including 4 affordable units at 5 North William Street, Perth - Perthshire Glazing Company - Report 06/795.

Motion (Councillors Lumsden and Young) - Grant, subject to the prior signing of a Section 75 Agreement to ensure delivery of the affordable housing element is secured and 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. The four flats on the ground floor shall be affordable as defined in PAN 74 and the Council's Affordable Housing Policy.
4. 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, 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.
5. Samples of all external finishing materials shall be submitted to the Planning Authority for prior approval.

And the following additional condition:

6. The provision of six No. cycle spaces.

Amendment (Councillors Howie and E Grant) - Refuse, on the grounds that the proposal contravenes the Perth Area/Central Area Draft Local Plan 2004 in that (1) a minimum of 50% of units for affordable housing is not being provided and (2) the

Council's policy on the level of parking provision for new developments is not being adhered to.

Amendment - 3 votes

Motion - 7 votes

Resolved:

In accordance with the Motion.

(6) 06/01587/FUL - SCONE - Residential development at ground to rear of 70 Perth Road, Scone - D Quinn - Report 06/796.

Mr I Muir, representing the applicant, addressed the Committee, and, following his representations, withdrew to the public benches.

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 71, of the Perth Area Local Plan 1995 (incorporating alteration no1 Housing Land 2000) in that any infill residential development should not have a significant adverse effect on the density, character or amenity of the area. The proposal is not considered to meet this requirement as it will create an over-development of the site and a layout which does not reflect the local building form and pattern and will therefore be detrimental to the character and visual amenity of the area.
2. The proposal has not yet been shown to be fully in accord with the Council's Policy on Affordable Housing.

(7) 06/01599/OUT - METHVEN - Erection of 2 dwellinghouses (in outline) at The Shielin, Keillour, Methven - Mrs Leah Steele - Report 06/797.

Resolved:

Grant, on the grounds that the proposal falls within the accepted categories of new build development within the Council's 2005 Policy on Housing in the Countryside.

(8) 06/01634/OUT - BRIDGE OF EARN - Erection of dwellinghouse (in outline), land to north of Mount Stewart Farm, Bridge of Earn - Mr and Mrs J N Fenton - Report 06/798.

Mr Fenton, 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 Policy 1 of the Perth Area Local Plan 1995 - incorporating alteration No1 Housing Land 2000 as there is insufficient capacity in the local school to cater for the new development.
2. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 - incorporating alteration No1 Housing Land 2000 and the revised Housing in the Countryside Policy 2005 as it does not meet any of the criteria of these policies to justify a new dwellinghouse on this site.

(9) 06/01734/FUL - CAMSERNEY - Erection of an agricultural dwellinghouse at land at Croftnamuick, Camserney, Aberfeldy - Mr and Mrs A Murray - Report 06/799.

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

Motion (Councillors Caddell and MacLellan) - Defer, to enable further consultation with the applicant with regard to the proposed operational justification for the proposed house.

Amendment (Councillors Hulbert and Howie) - Grant, on the grounds that (1) the proposal is not contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside and (2) the proposal is not contrary to the Council's Housing in the

Countryside Policy (December 2005), and subject to an occupancy condition in relation to the dwellinghouse.

Amendment - 2 votes

Motion - 9 votes

Resolved:

In accordance with the Motion.

- (10) **06/01756/FUL - PERTH - Replacement of existing house with 2 dwellinghouses at Vermont, Kirkton of Mailer Road, Craigend, Perth - Mr R Burgess - Report 06/801.**

Resolved:

Refuse, for the following reasons:

1. The proposal does not accord with the Council's Policy on Housing in the Countryside (revised December 2005) as it either does not fall within or fully meet the required criteria of any of the excepted categories of new build housing, and is therefore contrary to Policy 32 of the Perth Area Local Plan, 1995 (amended by Alteration No 1, Housing Land, 2000).
2. The site is visually prominent when viewed from the adjacent public road and the development of the front part of the site for housing would detract from the visual amenity of the surrounding area, which falls within the Green Belt in the Draft Perth Area/Central Area Local Plan, 2004 and within an Area of Great Landscape Value (AGLV) as designated in the Perth Area Local Plan, 1995 (amended by Alteration No 1, Housing Land, 2000). The proposal is consequently contrary to Policy 12 of the Perth Area Local Plan which seeks to protect and enhance the environment within the AGLV.
3. There is currently pressure on the capacity of the local Dunbarney School catchment area, which further approvals of additional dwellinghouses would exacerbate.

- (11) **06/01760/FUL - COMRIE - Erection of an office building, formation of car parking and associated works at land at South Crieff Road, Comrie - James Denholm Partnership - Report 06/802.**

Miss McDowall, an objector to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

Motion (Councillors McDonald and McEwen) - Refuse, on the grounds of (1) loss of trees; (2) loss of amenity and (3) the proposed application is contrary to policy 44 of the Strathearn Area Local Plan.

Amendment (Councillors Lumsden and Hulbert) - 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. **The vehicular access shall be formed in accordance with specification Type C, Fig 5.7, access detail to the satisfaction of the Planning Authority.**
4. **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.**
5. **Full visibility splays of 3m by 110m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level. (This will involve the removal of some existing vegetation and roadside trees)**

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. A minimum of 18 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. A secure waterproof cycle parking facility for a minimum of 6 cycles shall be provided within the site to the satisfaction of the Planning Authority.
9. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
10. If any ground contamination is found during the construction of the development, the Council shall immediately be informed in writing. At that stage, if so requested by the Planning Authority, the applicant shall undertake and submit, for written approval by the Council, a comprehensive contaminated land assessment. Such assessment would include a scheme to deal with the contamination and a full timetable for the proposed reclamation measures to be undertaken. On completion, verification shall be provided by the applicant or his agent that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

Subject to the following additional condition:

11. A woodland management plan and biodiversity plan to be submitted to the Head of Development Standards prior to commencement of the development.

Amendment - 8 votes

Motion - 4 Votes

Resolved:

In accordance with the Amendment.

FOLLOWING A 10 MINUTE RECESS, THE COMMITTEE RECONVENED.

(12) 06/01764/OUT - BANKFOOT - Erection of a dwellinghouse (in outline) at Middleton, Waterloo, Bankfoot, Perth - R and A Baillie - Report 06/803.

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

Resolved:

Refuse, for the following reasons:

1. The proposal does not accord with the Council's Policy on Housing in the Countryside (revised December 2005) as it does not fall within any of the excepted categories of new build housing and is contrary to Policy 32 of the Perth Area Local Plan, 1995 (amended by Alteration No 1, Housing Land, 2000).
2. The site is visually prominent, is poorly defined by existing landscape features and does not provide a suitable landscape setting. The development will consequently have a detrimental effect on the visual amenity of the rural area. The application is therefore not in accordance with Policy 1 of the Perth Area Local Plan, 1995 (amended by Alteration No 1, Housing Land, 2000) and is contrary to the Council's adopted Guidance on the Siting and Design of Houses in Rural Areas.

- (13) **06/02001/FUL - PERTH - Erection of two storey extension at 20 Maple Road, Perth - Mr and Mrs Thomson - Report 06/804.**

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

Motion (Councillors Wilson and Young) - Grant, on the grounds that the proposal is not contrary to Policy 41 of the Perth Area Local Plan 1995, incorporating Alteration No. 1 - Housing Land 2000, and subject to conditions to be formulated by the Head of Development Standards.

Amendment (Councillors Hulbert and Lumsden) - Refuse, for the following reason:

1. The proposal is contrary to Policy 41 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as the height, scale and visual prominence of the proposal will detrimentally alter the character of the host building and introduce a visually incongruous element into the street scene to the detriment of the character of the area.

Amendment - 3 votes

Motion - 7 votes

Resolved:

In accordance with the Motion.

- (14) **06/02050/FUL - PERTH - Erection of conservatory at 26 Cornhill Way, Perth - Mr and Mrs Mathieson - Report 06/805.**

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

Resolved:

Grant, on the grounds that the proposal is not contrary to Policy 41 of the Perth Area Local Plan 1995, incorporating Alteration No.1 - Housing Land 2000, and subject to conditions to be formulated by the Head of Development Standards.

- (15) **06/02105/FUL - PERTH - Change of use from a warehouse/distribution storage area to a warehouse/storage area and auction room at Unit E, Arran House, Arran Road, Perth - Mr Tom Reid - Report 06/806.**

Mr Reid, the applicant, and Ms Powell, a supporter to the application, addressed the Committee, and, following their respective representations, 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 does not constitute a retail development within an area zoned for business uses in that 90% of its trade is wholesale. The proposal is not therefore contrary to Policy 48 of the Perth Area Local Plan 1995, incorporating Alteration No.1 - Housing Land 2000.

COUNCILLORS MACLELLAN, YOUNG, WILSON AND STEWART LEFT THE MEETING AT THIS POINT.

- (16) **06/00851/FUL - SCOTLANDWELL - Proposed residential development at Wellside Garage, Lochgelly Road, Scotlandwell - Country Manor Holdings - Report 06/807.**

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. A fully detailed landscape plan, including a tree survey and 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 before work is commenced on site. Hedged boundary treatment is recommended to integrate the development with the surrounding landscape. The approved landscaping scheme shall be fully implemented within six months of the completion of the development and thereafter maintained by the applicant and/or their successors to the entire satisfaction of the Planning Authority.
5. During the construction period all trees must be protected by stout fencing enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837: 2005, 'Trees in Relation to Construction'. Such fencing must be erected before any materials or machinery are brought on the site and before any demolition or development, including erection of site huts, has commenced. Once erected fences shall be regarded as sacrosanct and should not be removed or altered without prior consultation with the Council's Tree and Woodland Officer. The fence should be at least 1.2m high. Close to intensive areas of construction the fence should be 2.4m high. The ground levels beneath the canopy spread of the tree to be retained shall not be altered.
6. 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.
7. 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.
8. Development shall not commence until drainage details are submitted for approval which comply with the requirements of Surface Water Best Management practice for Sustainable Urban Drainage. The approved details shall be implemented prior to the occupation of the development hereby approved.

COUNCILLOR LUMSDEN, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM IN TERMS OF STANDING ORDER 6, WITHDREW FROM THE MEETING.

- (17) 06/02015/FUL - ABERFELDY - Erection of 24 dwellinghouses and garages at Phase 3 land at Duntaylor Avenue, Aberfeldy - Mr Atholl Price, Bolfracks Estate - Report 06/808.**

Resolved:

Defer, to address the amendments proposed by the applicant.

COUNCILLOR CADDELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM IN TERMS OF STANDING ORDER 6, WITHDREW FROM THE MEETING.

COUNCILLOR LUMSDEN REJOINED THE MEETING AT THIS POINT.

(18) 06/01241/FUL - PERTH - Demolition of existing building and proposed mixed use development at the former Hillside Hospital, Dundee Road, Perth - Lorimer Homes - Report 06/793.

Ms H Sears, agent for the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to a Section 75 Agreement being signed by the applicant in connection with 20 close-care units and subject also to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. Prior to the commencement of work the applicant shall submit for the approval of the Planning Authority a phased programme for the implementation of the consent to ensure that no residential unit is occupied in advance of the completion of the care home and close-care elements, and the programme shall then be implemented as approved.
3. The care home shall be used and occupied as a Residential Institution within the terms of Class 8 of the Town and Country Planning (Use Classes)(Scotland) Order 1997.
4. 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.
5. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site
 - (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 decontamination measures.Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.
6. Prior to the commencement of any works on site an elevation/cross section of all proposed boundary railings and masonry works (including the finishes of the railings) shall be submitted for the approval in writing by the Council as Planning Authority.
7. The existing cedar tree located to the north west of the site is maintained and protected during the course of construction. Prior to any works commencing details of the means of protection must be submitted for the approval in writing by the Council as Planning Authority.
8. Prior to the commencement of any works on site a detailed planting and landscaping scheme for the entire site is submitted for the approval in writing by the Council as Planning Authority.
9. No development shall take place within the development site as outlined in red on 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.
10. Prior to the commencement of any works on site precise arrangements for the long-term maintenance of landscape areas within the site must be agreed in writing by the Council as Planning Authority.
11. 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.

12. 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.
13. A minimum of 103 No. car parking spaces shall be provided within the site.
14. A secure waterproof cycle parking facility for a minimum of 10 cycles shall be provided within the site to the satisfaction of the Planning Authority.
15. A new 3 bay cantilever bus shelter to the requirements of the Council as Roads Authority shall be provided on the west side of Dundee Road adjacent to the site access to the satisfaction of the Planning Authority.
16. 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.
17. Provision shall be made for pedestrian connections to the public footpath system adjacent to the site.

No planning consent to be issued until the applicant has made financial payment in lieu of on-site provision of affordable housing (by means of a Section 75 Agreement if necessary) and until the applicant has signed a Section 75 Agreement to ensure that the close-care units are only occupied by those who are over 55 years of age, have some form of infirmity and obtain essential service support from the facilities of the care home.