

# 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 17 January 2007 at 9.30am.

Present: Councillors Barnacle, E Grant, Howie, Hulbert, Livingstone, Lumsden, Lyall, McDonald, McEwen, Stewart and Young.

In Attendance: I Sleith, J Culbert, M Watson, A Fleming and N Williamson (all The Environment Service); C Elliot (Corporate Services); Y Oliver (Chief Executive's).

Apologies for Absence: Councillor Caddell.

Councillor Lumsden, Convener, Presiding.

## 28. WITHDRAWAL OF APPLICATIONS

The Committee noted that the following planning applications had been withdrawn:

- (1) **06/00275/FUL - AUCHTERARDER - Erection of a dwellinghouse at Lower Borland Park, Auchterarder – Mr W Y Kirk - Report 07/32.**
- (2) **06/00711/FUL - MADDERTY - Erection of dwellinghouse at Woodmouth Farm, Madderty, Crieff – Mr and Mrs Craven - Report 07/34.**
- (3) **06/01202/OUT - CAMPMUIR - Erection of a dwellinghouse at Ferngreen Nursery, 15 Boreland Holding, Coupar Angus, Blairgowrie – Mr and Mrs Ower - Report 07/38.**
- (4) **06/01354/FUL - BANKFOOT - Demolition of existing dwelling at steading and erection of a new dwellinghouse at Byres of Airleywight, Bankfoot, Perth – Mr James Meikle - Report 07/40.**

## 29. DECLARATIONS OF INTEREST

In terms of the Councillor's Code of Conduct, Councillor Lumsden declared a non-financial interest in planning applications 06/02015/FUL (Art. 32(2)) and 06/01059/FUL (Art. 34(24)).

## 30. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 19 December 2006 (Arts. 793-798/06) was submitted, approved as a correct record and authorised for signature.

## 31. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear depositions in relation to planning applications as follows:

Planning Application No.	Article No.
06/00805/FUL	32(1)
06/01734/FUL	32(3)
06/02163/FUL	32(4)
06/00869/OUT	34(4)
06/01051/OUT	34(6)
06/01306/OUT	34(7)
06/01363/OUT	34(8)
06/01477/OUT	34(11)
06/01591/OUT	34(13)
06/02120/FUL	34(19)

06/02230/FUL  
06/02303/FUL  
06/02316/FUL

34(21)  
34(22)  
34(23)

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

### **32. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED**

Councillor Lumsden, being ineligible to participate in the consideration of planning application 06/00805/FUL, and having declared a non-financial interest in planning application 06/02015/FUL, demitted the Chair and left the Chambers.

In terms of Standing Order 23, in the absence of the Convener and Vice-Convener, it was unanimously agreed to appoint Councillor Hulbert to the Chair.

COUNCILLOR HULBERT TOOK THE CHAIR AT THIS POINT.

**(1) 06/00805/FUL - PERTH - Demolition of existing building and erection of new visitor centre/manufacturing/retail complex with additional class retail outlets, new vehicular access and reconfigured/extended car and coach parking at Caithness Glass, Ruthvenfield Road, Inveralmond Industrial Estate – A&L King and Kilmartin Property Group - Report 07/25 (Art. 611(2)/06).**

The Committee noted that an additional letter had been received since the issue of the Committee papers but that it did not raise further considerations.

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

The Committee noted that in terms of Standing Order 18, that as Councillors Howie, Lumsden, MacLellan and McDonald had not been present during consideration of this application at the meeting on 27 September 2006, they did not participate in the discussion and the taking of the decision.

**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. No development shall commence until a scheme to deal with contamination on the site has been submitted to and approved by the Planning Authority. The scheme shall cover the nature, extent and type of contamination, measures to remove the contamination, to deal with it during the construction phase and the condition of the site on completion of remediation. No part of the development shall be occupied until the approved scheme has been fully implemented.
4. Details of proposals for surface water drainage disposal by means of sustainable urban drainage systems shall be submitted to the Planning Authority for approval prior to the commencement of work.
5. Details of lighting within the site shall be submitted to the Planning Authority for approval prior to the commencement of work.
6. Adequate screening shall be provided between the trunk road and the development; details to be provided as part of the landscaping plan required by condition 10.
7. There shall be no drainage connection to the trunk road drainage systems.
8. No part of the development shall be occupied until such time as a travel plan aimed at encouraging sustainable means of travel has been submitted to the Planning Authority for approval. The plan shall identify measures to be

- implemented, system of management, monitoring, review, reporting and duration of plan.
9. No development shall commence until such time as the Inveralmond Roundabout has been upgraded in accordance with Arup drawing SK 004 Proposed Road Alterations dated 2 August 2005.
  10. The new vehicular access to Ruthvenfield Road shall be laid out in accordance with the Council's approved standards, to the satisfaction of the Planning Authority.
  11. Full visibility splays of 4.5m by 70m shall be provided to the right and left of the access to the satisfaction of the Planning Authority.
  12. A 2m wide footway constructed to the standard and specification required by the Roads Authority shall be provided along the site frontage with Ruthvenfield Road prior to the occupation of the premises, to the satisfaction of the Planning Authority.
  13. Prior to the occupation of the premises a replacement entry layby and sign shall be provided on Ruthvenfield Road; details to be submitted to the Planning Authority for approval beforehand.
  14. All detailed matters regarding access, car parking, road layout, design and specification, including disposal of surface water, shall be in accordance with the Council's approved standards, to the satisfaction of the Planning Authority.
  15. Appropriate car parking and secure cycle parking provision for staff shall be provided within the site to the satisfaction of the Planning Authority.
  16. A detailed landscaping plan for the site shall be submitted to the Planning Authority for approval and implemented concurrently with the progress of development. This shall make provision for the retention of all existing trees outwith the building solum, tree and hedgerow planting within and on the perimeter of the car park, tree planting along the paved concourse, screening between the trunk road and the development and a programme of ongoing maintenance.
  17. Samples of all finishing materials shall be submitted to the Planning Authority for approval prior to the application thereof.
  18. No retail units shall be occupied until such time as the glass making factory is operational to the satisfaction of the Planning Authority.
  19. Notwithstanding the provisions of Class 1 of the Town and Country Planning (Use Classes)(Scotland)Order 1997 none of the retail units shall be used for the purposes of a post office, the sale of tickets, as a travel agency ,the sale of cold food, hairdressing, the direction of funerals, the hiring out of personal or domestic goods, as a laundrette or dry cleaners or for the reception of goods to be washed, cleaned or repaired.

The Committee further agreed that no planning consent shall be issued until a Section 75 agreement, under the Town and Country (Scotland) Act 1997, has been signed, in order to limit the range of goods to be sold to those categories which support tourism, to limit the size of any one unit, to limit the maximum retail floor area devoted to any one category and to control sub-division of units.

**(2) 06/02015/FUL - ABERFELDY - Erection of 24 dwellinghouses and garages at Phase 3 land at Duntaylor Avenue, Aberfeldy – Mr Atholl Price, Bolfracks Estate - Report 07/28 (Art. 738(17)/06).**

The Committee noted that in terms of Standing Order 18, that as Councillors Barnacle, Livingstone, Lumsden, Lyall, MacLellan, Stewart and Young had not been present during consideration of this application at the meeting on 22 November 2006, they did not participate in the discussion and the taking of the decision.

In terms of Standing Order 53 Councillor Lyall advised that, as local member, he wished to address the Committee. The Committee unanimously agreed to let Councillor Lyall speak but that he should withdraw to the Officers' Gallery. Councillor Lyall then withdrew to the Officers' Gallery and addressed the Committee.

**Resolved:**

**Grant**, on the grounds that departure from the development plan was not significant and subject to conditions to be formulated by the Head of Development Standards to include the provision of significant structural landscaping of the highest quality.

COUNCILLOR LYALL REJOINED THE COMMITTEE.

COUNCILLOR HULBERT VACATED THE CHAIR.

COUNCILLOR LUMSDEN RETURNED TO THE MEETING AND TOOK THE CHAIR.

**(3) 06/01734/FUL - CAMSERNEY - Erection of an agricultural dwellinghouse at land at Croftnamuick, Camserney, Aberfeldy – Mr and Mrs A Murray - Report 07/26.**

The Committee noted that in terms of Standing Order 18, as Councillors Barnacle, Livingstone and Lyall had not been present during consideration of this application at the meeting on 22 November 2006, they did not participate in the taking of the decision today.

In terms of Standing Order 53 Councillor Lyall advised that, as local member, he wished to address the Committee. The Committee unanimously agreed to let Councillor Lyall speak but that he should withdraw to the Officers' Gallery. Councillor Lyall then withdrew to the Officers' Gallery and addressed the Committee.

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

**Resolved:**

**Defer**, to require from the applicant an analysis of operational need in order to demonstrate that the proposed dwellinghouse is required.

COUNCILLOR LYALL REJOINED THE COMMITTEE.

**(4) 06/02163/FUL - ABERNETHY - Internal alterations and attic conversion at 8 Ballo Braes, Abernethy – Mr and Mrs R Rofe - Report 07/27.**

The Committee noted that in terms of Standing Order 18, Councillors Hulbert, Livingstone, Lyall, MacLellan, Stewart and Young had not been present during consideration of this application at the meeting on 19 December 2006 and they did not participate in the discussion or the taking of the decision today.

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

**Resolved:**

**Refuse**, for the following reason:

1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, incorporating Alteration No1 – Housing Land 2000, as it would result in an incongruous element being introduced into the street scene which would undermine the overall design concept for the area.

**33. APPEAL**

**(1) 06/00783/OUT - ABERNETHY - Erection of a dwellinghouse (in outline) at Gardeners Well, Glenfoot, Abernethy – Mr J Grant and Miss E Tennent - Report 07/29.**

**Resolved:**

**Oppose** the proposal through the Appeal process.

### 34. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **05/02352/OUT - CLEISH - Convert steading to single dwellinghouse (in outline) at West Mains Farm Steading, Cleish – D and H Russell - Report 07/30.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policies 2 and 54 of the Kinross Area Local Plan 2004 and the Housing in the Countryside Policy 2005 due to lack of information to determine compliance with these policies.
2. The proposal is contrary to Policies 10-12 of the Kinross Area Local Plan 2004 as there are no suitable mitigation measures proposed for the drainage discharge into Loch Leven.

- (2) **06/00096/OUT - BLAIRADAM - Erection of a dwellinghouse (in outline) at site adjacent to Binn Cottage, Blairadam, Kelty – William C Revie - Report 07/31.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, as the site is not adequate to accommodate the development satisfactorily in site planning terms without adversely eroding the existing landscape framework and does not include sufficient spare education capacity to cater for any new development.
2. The proposal's proximity and relative position to an Area of Great Landscape Value (AGLV) is considered contrary to policy 54 of the Kinross Area Local Plan 2004, in failing to enhance satisfactorily natural and man made landscape assets and by resulting in an adverse impact on the AGLV itself.
3. The proposal fails to comply suitably with the criteria of Policy 64 of the Kinross Area Local Plan 2004, Housing in the Countryside;
4. The proposal is contrary to the Perth & Kinross Housing in the Countryside policy (December 2005) in failing to fulfil satisfactorily any elements of the policy.

- (3) **06/00668/FUL - AUCHTERARDER - Residential development on land between Abbotsfield Terrace and Montrose Road, Auchterarder – King Homes - Report 07/33.**

**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. 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.
4. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within 6 months unless otherwise agreed in writing with this Planning Authority.
5. A 5m wide shelter belt of hawthorn / willow / rowan shall be provided along the southern boundary of the site to the satisfaction of the Planning Authority.
6. All trees which are to be retained on site must be protected by stout fencing enclosing an area to protect the ground and roots beneath the full canopy spread as recommended 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 the 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. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection should be laid over the existing soil surface.

Services should be grouped together in the same trench wherever possible and must be positioned outwith the canopy spread of the tree to be retained. If trenches need to be excavated within the canopy spread, a trench should be dug on one side of the tree to avoid excessive root damage. Trenches and services shall be in accordance with Publication No10 of the Joint National Utilities Code of Practice and BS 5837 2005 : Trees in Relation to Construction. The location of services must be shown on the site layout and working drawings.

The ground levels beneath the canopy spread of the tree to be retained shall not be altered. Any proposed changes in the ground levels must be shown on the site layout and working drawings.

The location of materials stores should be shown on the site layout and working drawings and must be out with the canopy spread of the tree to be retained.

7. 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.
8. 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.
9. Before any works commence on site the applicant shall display at either end of the site an access plan showing the line of any temporary diversions to the right of way shown as line A - B on the attached plan, together with a timetable indicating the date(s) when these diversions will be required, to the satisfaction of the Council as Planning Authority.
10. The applicant shall form a path and make it available for public use from the turning head at the end of the road to link with the Provost's Walk before the first unit is sold to the satisfaction of the Council as Planning Authority.

**(4) 06/00869/OUT - BRIDGE OF EARN - Erection of dwellinghouse (in outline) at land adjacent to Gilloch Hall, Back Street, Bridge of Earn – Mr and Mrs Gordon - Report 07/35.**

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

**Motion (Councillors Lumsden and Hulbert) – Grant, on the grounds that the application site is not considered to be too small to comfortably accommodate a single dwellinghouse and will not have a detrimental impact on the residential amenity of neighbours and the occupiers of any dwellinghouse on the site, subject to conditions to be formulated by the Head of Development Standards.**

First Amendment (Councillors Lyall and McEwen) – Defer, to enable further consultation with the applicants on a more acceptable design and situation which would not adversely effect the setting of the adjacent listed building and for the production of a video of the site.

Second Amendment (Councillors E Grant and McDonald) – Refuse, for the reasons given in Report 07/35.

Second Amendment – 2 votes  
In accordance with the First Amendment.

First Amendment – 6 votes

Amendment – 5 votes

Motion – 5 votes

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

**Resolved:**

In accordance with the Motion.

- (5) **06/00894/OUT - WOLFHILL - Erection of dwellinghouse (in outline) at land at Beechwood, Wolfhill, Perth – Mr Scott Jempson - Report 07/36.**

**Resolved:**

**Refuse**, for the following reason:

1. The proposal is contrary to Policy 32 in the Perth Area Local Plan 1995 relating to housing in the countryside and to the Council's Housing in the Countryside policy of December 2005 as it does not meet any of the policy criteria particularly in regard to infill sites, building groups and absence of any operational need.

- (6) **06/01051/OUT - CAPUTH - Erection of 4 bedroom detached house (in outline) at land at Ale House, Caputh, Perth – Mrs A S Curley - Report 07/37.**

Mrs Curley, the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 32 in the Perth Area Local Plan 1995 relating to housing in the countryside and also to the Council's latest revised version of the policy of December 2005 as it does not meet any of the policy criteria particularly in regard to infill sites, building groups, inadequate access and absence of any operational need.
2. Development so close to a listed building could seriously impair its setting contrary to Policy 23 in the Eastern Area Local Plan which seeks to protect the setting of all listed buildings.

- (7) **06/01306/OUT - MADDERTY - Proposed residential development of environmentally sensitive housing (in outline) on land at South Ardbennie Farm, Madderty, Crieff – Henry Maitland - Report 07/39.**

Claire Peters, representing the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 2(a) of the Strathearn Area Local Plan 2001 which requires that development sites should have a good landscape framework.
2. The proposal is contrary to Policy 54 of the Strathearn Area Local Plan as the proposal does not fall into the categories identified as development opportunities.
3. The proposal is contrary to the Council's 2005 Policy on Housing in the Countryside in that it does not fall within any of the specified categories ie (1) Building Groups (2) Infill Sites (3) New Houses in the Open Countryside (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Non-Domestic Buildings (6) Brownfield Sites.

**(8) 06/01363/OUT - RANNOCH - Erection of 3 dwellinghouses (in outline) at land at Killichonan, Rannoch, Pitlochry - Talladh-A-Bheithe Estate - Report 07/41.**

Mr David Murdoch, representing 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 54 of Housing in the Countryside of the Highland Area Local Plan 2000 in that it does not meet any of the criteria within the categories (a) Building Groups (b) Renovation or replacement of houses (c) Conversion or replacement of non-domestic buildings (d) Operational need. Whilst falling within (e) Western Highland Perthshire the required criteria cannot be fully adhered to as the existing pattern of settlement is not being reflected and respected. The residential development to the east of the site is scattered and sporadic, located in extensive plots. The residential units to the west of the site are small semi detached units located in small plots, neither of which are reflected or respected in this proposal.
2. The proposal is contrary to the Council's Housing in the Countryside Policy, December 2005 in that it fails to meet any of the criteria in relation to (1) Building Groups, (2) Infill sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Non-Domestic Buildings and (6) Brownfield Sites.

Note:

Councillor Howie moved that the application be granted on the grounds that the proposal would not be detrimental to the area. On failing to find a seconder, Councillor Howie's amendment fell.

**(9) 06/01395/OUT - TRINAFour - Erection of dwellinghouse (in outline) at land at Glenerrochty Cottage, Trinafour, Pitlochry - Report 07/42.**

The Committee noted that an additional letter had been received since the issue of the Committee papers but that it did not raise further considerations.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Highland Area Local Plan Policy 2 which, amongst other criteria, requires all development to have regard to the scale, form, colour and density of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The proposal does not have regard to the density and character of the area and therefore would have a detrimental effect on the amenity of the area by virtue of the site's restricted size. The site is not large enough to accommodate the development satisfactorily in site planning terms.
2. The proposal is contrary to Policy 54, sections (a) (ii) and section (e) of the Highland Area Local Plan. Section (a) (ii) states that consent will be granted for houses within building groups providing they do not detract from the amenity of the group. The proposal will detrimentally affect the residential amenity of Glenerrochty Cottage by way of reducing the available garden ground. Section (e) states that planning applications for new housing in Western Highland Perthshire are unlikely to be acceptable without detailed plans including elevations showing the new building in its setting. The plans submitted do not provide these details.
3. The proposal is contrary to the Council's Housing in the Countryside Policy, December 2005 which states that all proposals for development in existing building groups must respect the character, layout and building pattern of the group and can demonstrate an adequate level of residential amenity can be achieved for the existing and proposed house(s). The proposal does not

have regard to the character and layout of the group and the residential amenity of the existing and proposed house will be detrimentally affected by virtue of the site's restricted size.

**(10) 06/01397/OUT - BLACKLUNANS - Erection of a dwellinghouse (in outline) at land at Blacklunans, Blairgowrie – Mr and Mrs D Houston - Report 07/43.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal involves the development of an isolated rural site remote from any other buildings where development would be visually obtrusive in an elevated and open position contrary to the terms of Policy 50 relating to the Glenshee Development Zone which requires development to relate to existing building pattern and utilise naturally screened sites.
2. The proposal is contrary to the Council's most recent Policy on Housing in the Countryside approved in December 2005 as the site does not have any established boundaries, would not blend sympathetically with the landform and would detract from the visual appearance of the countryside.

**(11) 06/01477/OUT - INCHTURE - Erection of a dwellinghouse with one ancillary outbuilding at land west of The Mill House, Craigdallie, Inchture – Mr and Mrs Burton - Report 07/44.**

The Committee noted that two additional letters of support had been received since the issue of the Committee papers.

Ms P Mackay, representing the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000) where it relates to new housing in the countryside as it does not meet any of the criteria relating to (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non domestic buildings (f) operational need.
2. The proposal is contrary to the Council's Policy on Housing in the Countryside (December 2005) in that the proposal does not meet any of the categories (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversions or (6) Brownfield Site.

FOLLOWING A 10 MINUTE RECESS, THE COMMITTEE RECONVENED.

**(12) 06/01531/OUT - KIRKMICHAEL - Erection of a dwellinghouse at land at Dalmore, Kirkmichael, Blairgowrie – Mrs MacKenzie - Report 07/45.**

The Committee noted that a late letter from the applicant had been received since the issue of the Committee papers.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 49 of the Eastern Area Local Plan 1998 where it relates to new housing in the countryside as it does not meet any of the criteria relating to (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non domestic buildings (f) operational need.
2. The proposal does not accord with the Council's policy on Housing in the Countryside (December 2005) as the physically restricted size of the plot is not comparable to neighbouring properties. The proposal will result in a

'squeezed' in development which will be to the detriment of the character of the area.

**(13) 06/01591/OUT - MADDERTY - Erection of a dwellinghouse (in outline) on land to the south of Blaewanders, Madderty – Mrs A Melloy - Report 07/46.**

There were tabled and noted maps clearly identifying the site.

P Keir Doe, representing 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 2 of the Strathearn Area Local Plan as the site should have a landscape framework capable of absorbing or, if necessary, screening, the development.
2. The proposal is contrary to Policy 3 of the Strathearn Area Local Plan as the development should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character.
3. The proposal is contrary to Policy 54 of the Strathearn Area Local Plan as it does not meet any of the categories (a) Building Group (b) Renovation or Replacement (c) Conversions (d) Operational Need.
4. The proposal is contrary to the Council's policy on Housing in the Countryside (December 2005) as it does not form part of a building group, as defined in Category 1 of the policy, nor comply with any of the categories of that policy.

**(14) 06/01791/FUL - ABERFELDY - Alterations to shop front and extension to rear to create a restaurant at 31 Dunkeld Street, Aberfeldy – Mr M Chan - Report 07/47.**

Motion (Councillors Lyall and Barnacle) – Refuse, on the grounds that (1) the proposal would affect residential amenity; (2) there is unacceptable provision of access; and (3) poor design.

**Amendment (Councillors Lumsden and Young) – 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 all boundary walls and fences should be submitted for the further approval of the Planning Authority prior to the commencement of development.
4. An effective ventilation system, commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours from the business are not exhausted into or escape into neighbouring dwellings.
5. All plant and equipment to be installed or operated in connection with the granting of this permission shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 07.00 and 23.00 hours daily, or Noise Rating 25 between 23.00 and 07.00 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, all to the satisfaction of the Planning Authority.
6. 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.
7. No outside seating is permitted.

8. The hours of use shall be restricted to 12.00 to 24.00 hours daily
9. The hours for deliveries shall be restricted to 09.00 to 17.00 hours Monday to Saturday with no deliveries on Sundays.
10. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
11. A minimum of 12 No. car parking spaces shall be provided within the site.
12. A secure waterproof cycle parking facility for a minimum of 4 cycles shall be provided within the site to the satisfaction of the Planning Authority.

Amendment – 7 votes

Motion – 3 votes

**Resolved:**

In accordance with the Amendment.

- (15) **06/01857/OUT – WESTER ESSENDY - Erection of a dwellinghouse and garage (in outline) at land to the west of Auchenlaigh, Wester Essendy, Blairgowrie – Dr and Mrs I Alexander - Report 07/48.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 45 in the Eastern Area Local Plan 1998 where it relates to the Lunan Valley Catchment Area which operates a presumption against built development unsupported by an operational need in order to protect the environmental assets of the area. Scottish Natural Heritage has also objected on the grounds that development could adversely affect the natural heritage interests of the SAC and the SSSI within the immediate area.
2. The proposal is contrary to Policy 49 in the Eastern Area Local Plan 1998 where it relates to new housing in the countryside as a strong presumption operates within the Lunan Catchment Area against new build development unless supported by an operational need.
3. The proposal is also contrary to the Council's revised policy relating to housing in the countryside approved in December 2005 as the site does not meet the criteria with regard to building groups or infill sites and would not blend sympathetically with the landform.

- (16) **06/01858/OUT - AUCHTERARDER - Erection of dwellinghouse (in outline) at land at Sunnybrae, Windsole, Auchterarder – Mr and Mrs A Mann - Report 07/49.**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 54 of the Strathearn Area Local Plan 2001 and the Housing in the Countryside Policy 2005 as it does not meet any of the criteria to justify a new house within this location
2. The proposal is contrary to Policy 2(e) of the Strathearn Area Local Plan 2001 as there is insufficient space at the New Community School of Auchterarder to accommodate the development.

- (17) **06/01893/OUT - CORSIEHILL - Erection of a dwellinghouse (in outline) at Plot 2, Corsiehill, Perth – Almondvalley Developments Ltd - Report 07/50.**

**Resolved:**

**Grant**, on the grounds that the proposal would not constitute a departure from the Council's Housing in the Countryside Policy, subject to conditions to be formulated by the Head of Development Standards.

- (18) **06/01895/OUT – CORSIEHILL – Erection of a dwellinghouse (in outline) at Plot 1, Corsiehill, Perth – Almondvalley Developments Ltd – Report 07/51.**

**Resolved:**

**Grant**, on the grounds that the proposal would not constitute a departure from the Council's Housing in the Countryside Policy, subject to conditions to be formulated by the Head of Development Standards.

- (19) **06/02120/FUL - RUMBLING BRIDGE - Erection of 13 Chalets on land at Birkfield, Rumbling Bridge – Baker Street Properties - Report 07/52.**

Mr B Douglas, representing the applicant, followed by Mr G Pease, an objector to the application, addressed the Committee, and, following their representations, withdrew to the public benches.

**Resolved:**

**Refuse**, on the grounds that the proposal (1) is contrary to Policy 82 of the Kinross Area Local Plan and (2) the inappropriate design of the chalets would be detrimental to the visual amenity of the area.

COUNCILLORS MCEWEN AND STEWART LEFT THE MEETING AT THIS POINT.

- (20) **06/02227/FUL – BANKFOOT – Erection of a garage at 10 Nicoll Drive, Bankfoot, Perth – Mr and Mrs MacDougall – Report 07/53.**

**Resolved:**

**Refuse**, for the following reason:

1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 incorporating Alteration No1 – Housing Land 2000 as the visual prominence of the proposal will detrimentally alter the build line of the street and introduce a visually incongruous element into the street scene to the detriment of the character of the area.

COUNCILLOR MCEWEN RETURNED TO THE MEETING AT THIS POINT.

- (21) **06/02230/FUL - BRIDGE OF EARN - Erection of a conservatory at 1 Grove Lane, Bridge of Earn – Ms Susan Eisner - Report 07/54.**

Ms Susan Eisner, the applicant, addressed the Committee, and, following her 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 it does not respectfully accord with the existing pattern of building through scale, form and design.
2. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, incorporating Alteration No1 – Housing Land 2000, as it represents an incongruous, piecemeal and unsympathetic addition to the principal façade of the host property which will adversely affect the visual character of the host building and surrounding residential area.

- (22) **06/02303/FUL - PERTH - Alterations and extension to dwellinghouse at 83 Viewlands Road West, Perth – Mr and Mrs Gray - Report 07/55.**

Mr Gray, 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 (Amended by Alteration No. 1 – Housing Land 2000), as it is not detrimental to the density, character and amenity of both the existing property and

neighbouring properties and subject to conditions to be formulated by the Head of Development Standards.

- (23) 06/02316/FUL - PERTH - Formation of car park (for staff, visitors and customers of Struans Motor Village) at land at junction of West Mains Avenue, Huntingtower Road, Perth – Struan Motors - Report 07/56.**

Mr John Robertson, representing 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 development plan, subject to conditions to be formulated by the Head of Development Standards including (1) a condition that no security fence be erected and (2) a condition ensuring appropriate lighting be provided.

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

IN TERMS OF STANDING ORDER 23, IN ABSENCE OF THE CONVENER AND VICE-CONVENER, IT WAS UNANIMOUSLY AGREED TO APPOINT COUNCILLOR HULBERT TO THE CHAIR.

COUNCILLOR HULBERT TOOK THE CHAIR.

- (24) 06/01059/FUL - BANKFOOT - Erection of dwellinghouse and garage at gap site at Perth Road, Bankfoot – R Reid - Report 07/57.**

**Resolved:**

**Defer**, to require the applicant to investigate and identify required flood risk mitigation measures, to be reported back to a future meeting of the Development Control Committee.