

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
8 December 2010

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 8 December 2010 at 9.30am.

Present: Councillors W Wilson, K Lyall, K Baird (substituting for Councillor H McDonald); R Band, L Caddell, I Campbell, C Gillies, E Grant, J Kellas, W Lumsden, M Lyle and S Miller.

In Attendance: Councillor K Howie (Art. 645(2)(i) and 2(ii) only); R Rowlands and E Cowpe (up to and including Art. 645(2)(ii)) (both Health and Safety Executive); J Valentine, R Bean, D Littlejohn, K McNamara, G Dimeck, G Esson, S Dunn, J Williamson and S Callan (all up to and including Art. 645(2)(ii)), N Brian, A Condliffe, A Fleming, J Thomson and K Stirton (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors A Jack and H McDonald.

Councillor W Wilson, Presiding.

642. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

643. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 10 November 2010 (Arts. 611-614) was submitted, approved as a correct record and authorised for signature.

644. 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.
09/01355/FLM	645(1)(i)
09/01356/LBC	645(1)(ii)
09/01289/FLM	645(2)(ii)
10/00666/FLM	645(2)(iii)
10/00983/IPM	645(2)(i)
10/01030/FLL	645(3)(i)
10/01031/LBC	645(3)(ii)
10/01465/FLL	645(3)(iii)
10/01598/FLL	645(3)(v)

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

645. PLANNING APPLICATIONS FOR DETERMINATION

(1) Application Previously Considered

- (i) 09/01355/FLM – ERROL – Alterations and conversion of existing steading to create 8 dwellinghouses and erection of 16 residential units with associated parking at the Horn Farm, Errol – Mr J W Farquharson – Report 10/613**

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

Resolved:

Refuse, for the following reasons:

1. The proposed new build (plots 9- 24) 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 proposed new build (plots 9-24) is contrary to the Council's Policy on Housing in the Countryside (2005) as it does not meet any of the acceptable categories of development relating to (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement of houses (5) Conversions or Replacement of Redundant Non-Domestic buildings (6) Rural Brownfield Sites.
3. As the proposal would result in 24 new dwellinghouses being created in the open countryside, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new developments within the landward area are compatible with the surroundings and accord with the existing pattern of development.
4. The proposal is contrary to Sustainable Policy 6 of the Perth and Kinross Structure Plan as the development is liable to have an adverse impact on the local rural environment.
5. Without a clear and reasoned justification for the demolition of the Listed Building, the proposal is contrary to Environment and Resources Policy 8 of the Perth and Kinross Structure Plan 2003 which aims to protect Listed Buildings and Policy 25 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which states that there will be a presumption against demolition of Listed Buildings and a presumption in favour of sympathetic restoration of Listed Buildings.

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6. Without a clear and reasoned justification for the demolition of the listed building, the proposal is contrary to the Scottish Historic Environment Policy 2008 (para 3.40), which states that the Scottish Ministers' policy on Listed Building Consents is that there will be a presumption against demolition of Listed Buildings and the guidance contained in the Scottish Planning Policy as the loss of this Listed Building will not contribute to the conservation and management of the historic environment of Perth and Kinross.
7. As no details have been submitted in relation to noise arising from the nearby Trunk Road, it has not been fully demonstrated that noise mitigation can be adequately achieved on this site. The proposal is therefore contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all new sites are compatible with their surroundings.

Justification

The proposal is contrary to the Development Plan and there are no material reasons to support this application.

- (ii) **09/01356/LBC – ERROL – Alterations and conversion of existing Farmhouse, steading and outbuilding to create 8 dwellinghouses and demolition of outbuildings at the Horn Farm, Errol – Mr J W Farquharson – Report 10/614**

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

Resolved:

Refuse, for the following reasons:

1. Approval for the demolition of a Listed Building without clear and reasoned justification, is contrary to the requirements of Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority (in making a decision on a Listed Building application) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Approval of this application would not have due regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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2. Without a clear and reasoned justification for the demolition of the Listed Building, the proposal is contrary to Environment and Resources Policy 8 of the Perth and Kinross Structure Plan 2003 which aims to protect Listed Buildings, and Policy 25 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which states that there will be a presumption against demolition of Listed Buildings and a presumption in favour of sympathetic restoration of Listed Buildings.
3. Without a clear and reasoned justification for the demolition of the Listed Building, the proposal is contrary to the Scottish Historic Environment Policy 2008 (para 3.40), which states that the Scottish Ministers' policy on Listed Building Consents is that there will be a presumption against demolition of Listed Buildings and the guidance offered in the Scottish Planning Policy, as the loss of this Listed Building will not contribute to the conservation and management of the historic environment of Perth and Kinross.

Justification

The proposal is contrary to the Development Plan and there are no material reasons to support this application.

(3) Local Applications

- (i) **10/01030/FLL – RAIT – Alterations and extension to Smithy House, internal alterations to The Sheiling and demolition of the adjoining garage, conversion and extension of The Smithy into one dwellinghouse and erection of two new dwellinghouses at the Smithy House, Rait – Morgan Homes (Scotland) Limited – Report 10/618**

Mr I Cram, agent on behalf of the 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, unless otherwise provided for by conditions imposed on the planning consent.
3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

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- i the nature, extent and type(s) of contamination on the site
- ii measures to treat/remove contamination to ensure that 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 Council as Planning Authority.

- 4. 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.
- 5. Prior to the commencement of any works on site a detailed landscaping and planting scheme shall be submitted for the approval in writing by the Council as Planning Authority.
- 6. All existing windows on the Sheiling shall be retained and repaired, unless otherwise agreed in writing by the Council as Planning Authority.
- 7. The three metre length of the Sheiling's outbuildings' northern wall shall be retained, unless otherwise agreed in writing by the Council as Planning Authority.
- 8. The proposed new window on the north elevation of the Sheiling (which replaces an existing doorway) is not approved. A revised opening for this feature must be submitted for the approval in writing by the Council as Planning Authority prior to any works commencing.
- 9. Prior to the commencement of any works on site precise details of all rainwater goods shall be submitted for the approval in writing by the Council as Planning Authority.
- 10. No development shall take place within the development site as outlined in red on the approved plan (10/01030/1) 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 Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that the recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the Perth and Kinross Heritage Trust.

Justification

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

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Procedural Notes

The formal decision notice shall not be issued until either i) a financial payment of £19,185 has been received for primary school education or ii) a legal agreement has been signed for the delayed payment of the contribution.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.
3. The applicant is advised that in terms of Section 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 the Scottish Environment Protection Agency.
4. 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.
5. 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.
6. No work shall commence on the Listed Building until such time as Listed Building Consent has been granted. This is approval of application Ref No 10/01030/FLL for planning permission only. It does not include any approval for the related application for Listed Building Consent Ref No 10/01031/LBC. Therefore no work should commence until Listed Building Consent has been received. Carrying out alterations without Listed Building Consent is an offence.

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(ii) **10/01031/LBC – RAIT – Internal alterations to the Sheiling and demolition of the adjoining garage/shed at the Sheiling, Rait - Morgan Homes (Scotland) Limited – Report 10/619**

Mr I Cram, agent on behalf of the 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, unless otherwise provided for by conditions imposed on the planning consent.
3. 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.
4. All existing windows shall be retained and repaired, unless otherwise agreed in writing by the Council as Planning Authority.
5. The three metre length of the outbuildings' northern wall shall be retained, unless otherwise agreed in writing by the Council as Planning Authority.
6. The proposed new window on the north elevation which replaces an existing doorway is not approved. A revised opening for this feature must be submitted for the approval in writing by the Council as Planning Authority prior to any works commencing.
7. Prior to the commencement of any works on site precise details of all rainwater goods shall be submitted for the approval in writing by the Council as Planning Authority.

Justification

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

Procedural Notes

As the proposal involves part demolition of a Listed Building, Historic Scotland must be notified of any decision to approve and clearance required prior to any consent being issued.

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(2) Major Applications

(i) 10/00983/IPM – GLENFARG – Development of 114ha area of heated and unheated polytunnels in principle at Binn Farm, Glenfarg – John Macgregor – Report 10/617

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

Resolved:

Grant, subject to the following conditions:

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority:-
The siting, design, height, layout and external appearance of the development, phasing, the landscaping of the site, including all planting and means of enclosure, the car parking and means of access to the site.
3. No development shall take place within the development site as outlined in red on the approved plan (10/00983/1) 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.

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4. The applicant shall submit at the detailed planning stage a fully detailed Sustainable Urban Drainage Scheme in accordance with best management practices for the approval of the Planning Authority.
5. The applicant shall submit a fully detailed Green Travel Plan to accompany any detailed planning application for the site, including a requirement to monitor travel patterns which will aim to reduce private car use and encourage more sustainable modes of travel, all to the satisfaction and approval of the Planning Authority.
6. At the detailed planning stage, and in accordance with the recommendations of the Flora & Fauna Survey by Andrew Taylor, a specific raptor survey should be undertaken and submitted for the approval of the Planning Authority, as there is evidence that they are using the application site for hunting and feeding.
7. At the detailed planning stage, and in accordance with the recommendations of the Flora & Fauna Survey by Andrew Taylor, a Great Crested Newt Survey shall be carried out between March and June and submitted for the approval of the Planning Authority to determine the presence or absence of Great Crested Newts in the pond in the wooded area to the east of Catochil.
8. Any development on the site should be planned and timetabled to cause as little impact as possible to flora and fauna on the site, particularly during the bird breeding season from 1 March to 31 August.
9. At the detailed planning stage the applicant shall submit an Ecological Management Plan for the site for the approval of the Planning Authority.
10. At the detailed planning stage, and in accordance with the recommendations of the Flora & Fauna Survey by Andrew Taylor, a detailed bat survey shall be submitted for the site for the approval 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.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (ii) **09/01289/FLM – KINROSS – Change of use of land to Class 11 use (assembly and leisure) plus motor vehicle activities and sports and funfairs at Balado Park – D & J Alexander – Report 10/615**

Mr N Brian, Development Quality Manager, advised that, following the issue of the report, a letter had been received from BP Forties Pipeline System, (i) outlining the issue of how they

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attend to pipeline safety; (ii) outlining the surveillance methods used and awareness-raising measures employed; and (iii) outlining further risk mitigation measures they would be prepared to engage in, should the application be successful.

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

R Rowlands and E Cowpe, representatives from the Health and Safety Executive, answered Members' questions.

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. No large scale (i.e. more than 1,000 persons) event or the hosting of any such activity at the site shall take place until:
 - (i) the Council as local Planning Authority has received certification confirming that non-destructive testing of the pipeline in relation to that specific event has been undertaken by the Pipeline Operator and that the Pipeline Operator is satisfied from the processing of that recorded data, that the condition of the pipeline is satisfactory and would not be prejudiced by that event; and
 - (ii) full and practised Emergency Response Plans have been put in place in accordance with details which previously shall have been submitted to, and approved in writing by, the Council as local Planning Authority. Such details shall include the results of desktop and site testing and plans shall be reviewed and updated annually, where necessary, if relating to regular events.
3. No large scale event or activity (i.e. more than 1,000 persons) shall be held within the inner consultation area of the hazardous pipeline. This area may be used for the parking of vehicles or ancillary storage associated with any such event but shall not be used for any people gathering attraction.
4. Prior to the staging of any event or the hosting of any activity within the inner consultation zone of the pipeline, a wayleave extending six metres either side of the hazardous pipeline route through the application site shall have been created by the erection of heras fencing, or another appropriate alternative, agreed in writing by the local Planning Authority, to prevent public access to the pipe. The protective fencing shall remain in place for the duration of that event/activity.

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5. There shall be no storage at any time (temporary or permanent) of combustible material or the lighting of overnight fires along the pipeline route or within the wayleave area.
6. Prior to the staging of any event, or hosting of any activity within the inner consultation zone of the pipeline, fixed crossing points of the pipeline for vehicles and pedestrians shall be submitted to, and agreed in writing by, the Council. Where necessary, crossing points shall be reinforced in accordance with details submitted to, and agreed in writing by, the Council as local Planning Authority.
7. Prior to the staging of any event, or hosting of any activity, measures for the protection of watercourses and dry drainage ditches within the site and the maintenance of buffer strips around watercourses, shall have been put in place in accordance with details which previously shall have been submitted to, and approved in writing by, the Council as local Planning Authority. The approved protective measures shall remain in place for the duration of that event/activity.
8. Foul drainage for all public events or activities carried out on the site shall be removed from the Loch Leven Catchment Area and arrangements for collection, handling, storage and removal shall accord with details which previously shall have been submitted to, and approved in writing by, the Council as local Planning Authority. Prior to the commencement of any event/activity the applicant shall submit evidence to show that a contractual obligation has been entered into by the applicant with contractors for the complete removal of all effluent from the site and the Loch Leven Catchment Area, as defined in the Kinross Area Local Plan 2004.
9. Within a period of three months from the date of this approval, a scheme which demonstrates that satisfactory foul drainage and oil/fuel storage provision is available to the development site shall be submitted for the written approval of the local Planning Authority. The submitted scheme shall include the following details:
 - effluent and grey water disposal arrangements;
 - the location of sanitary accommodation to be shown on a site map;
 - details of the underground collection tanks in the campsite to include size; location; notification of when tanks are to be emptied and by whom; certification of the integrity of the tanks; capacity; maintenance and testing;
 - monitoring of and mitigation measures relating to leaks in the foul effluent transfer system;

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- the provision of a fuel storage and transfer facility which complies with the Water Environment (Oil Storage) (Scotland) Regulations 2006;
- contingencies in the event of fuel/oil/diesel spillage.

The approved scheme shall be implemented as the practice for all recreational events unless otherwise agreed in writing by the Council as local Planning Authority.

10. The clearance of waste, litter and other debris from the application site and surrounding area, generated by the T In The Park event (or other large-scale event permitted by this consent, i.e. over 1,000 persons), shall be completed fourteen days from the end of that event.
11. During construction and de-commissioning phases of the T In The Park event (or other large-scale event permitted by this consent), reinforced track surfacing for ground protection to site access and service roads within the application site shall be laid, and utilised by service vehicles, and shall remain in place for the duration of the event itself.
12. The routes and arrangements for vehicle access to the site for construction and service vehicles associated with construction and de-commissioning phases of the T In The Park event (or other large-scale event permitted by this consent, i.e. over 1,000 persons), shall accord with details which shall have been submitted to, and agreed in writing by, the Council as local Planning Authority, in advance of any such event.
13. Microlight flight training circuits from the site shall strictly accord with those routes detailed in Appendix B of the submitted Environmental Statement.
14. The following noise mitigation measures for all aircraft flown from the site shall be incorporated:
 - All microlight and other aircraft flown shall be fitted with exhaust silencers;
 - The noise level from any individual model aircraft shall not exceed 82 dB(A) when measured in accordance with the Code of Practice on Noise from Model Aircraft 1982 or any subsequent version.
15. Noise resulting from the granting of this permission shall be controlled such that, when measured and expressed as a L_{Aeq} (60 minutes), it does not exceed 5dBA above the background level expressed as L_{A90} between the hours of 0700 and 2300, when measured according to BS4142, 1997 at any nearby residential property other than for events which are covered by specific licence conditions.

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16. Prior to the hosting of the T In The Park festival, or any other large-scale (i.e. over 1,000 persons) event/activity, arrangements for the control and management of noise shall have been submitted to, and approved in writing by, the Council as local Planning Authority. Event management shall strictly accord with those approved details.
17. With the exception of any organised caravan rally or events which are covered by specific licence conditions, the hours within which the development shall operate shall be restricted to daylight hours, but in any event not outwith the hours of 8.00am to dusk or 10.00pm, whichever is the later.
18. All vehicles associated with motor sport activities shall be provided with silencers and suitably maintained as per the operator/manufacturers' instructions to minimise any noise nuisance potential.
19. The motor vehicle and motor sports activities hereby permitted shall be restricted to the areas of hardstand/hard-surfacing within the site unless otherwise agreed in writing by the Council as local Planning Authority.
20. No event/activity shall take place within Parcel No. 0986003778 without the prior approval in writing of the Council as local Planning Authority.

Justification

1. Having received contradictory expert advice the level of risk, on balance, is considered acceptable;
2. The proposal conforms with Perth and Kinross Structure Plan 2003, Sustainable Economy Policies 3 and 9, and conforms with the Kinross Area Local Plan 2004, Policies 34, 51 and 55;
3. The proposal conforms with the 2006 Perth and Kinross Council Events Strategy 2006-2011 and the Perth and Kinross Events and Tourism Review 2007-2010; and
4. The proposed change of use will be of significant economic benefit to the area.

Procedural Notes

1. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers. As there is an outstanding objection from the Health & Safety Executive it would be necessary to refer the application to Scottish Ministers.
2. No consent shall be issued until a Section 75 legal agreement has been signed for the delivery and sustainability of effective phosphorus-loading mitigation measures. (The objection from Scottish Natural Heritage

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is withdrawn only subject to such an agreement and suitable planning conditions).

R ROWLANDS, E COWPE, J VALENTINE, R BEAN, D LITTLEJOHN, K MCNAMARA, G DIMECK, G ESSON, S DUNN, J WILLIAMSON AND S CALLAN LEFT THE MEETING AT THIS POINT.

FOLLOWING AN ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

(iii) 10/00666/FLM – PITLOCHRY – Retail development (Class 1 Supermarket) and associated landscape treatment and engineering works at Land 150 Metres West of Entrance to Bridge Road, Pitlochry – Sainsburys Supermarket Limited – Report 10/616

Mr J Wilson, on behalf of the applicant and Mr J Pearson, on behalf of Pitlochry and Moulin Community Council, supporter to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor K Howie, one of the Elected Members representing Ward 4, addressed the Committee, and, following her representation, withdrew to the public benches.

Grant, subject to conditions to be formulated by the Development Quality Manager including that the percentage of food to non-food products of the net sales floor area is 80/20.

Justification

1. The retail impact of the proposal will not have a detrimental impact on the town centre; and
2. The proposal conforms with Perth and Kinross Structure Plan 2003, Environment and Resources Policy 9 and Highland Area Local Plan 2000, Policy 7 in relation to flooding. The increased risk of flooding is marginal for properties already subject to flooding.

Procedural Notes

1. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers. As there is an outstanding objection from the Scottish Environment Protection Agency it would be necessary to refer the application to Scottish Ministers.
2. No consent shall be issued until a Section 69 legal agreement has been signed to ensure the payment of a contribution of £15,000 by the developer towards the upgrade of footways and cycleways around the application site.

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(3) Local Applications (cont.)

(iii) 10/01465/FLL – PERTH – Alterations to frontage and formation of outdoor seating area, 11-13 Abbot Street, Perth – Mr Charles Doogan– Report 10/620

Resolved:

Grant, subject to the following conditions:

1. The development shall be commenced 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 unless provided for by conditions imposed on the planning consent.
3. The hours of use of the outdoor seating area shall be 1100 hours to 1700 hours daily.
4. The use of the outdoor area shall fall within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 i.e. restaurant, café or snack bar.
5. No music amplified or other shall be permitted outside the premises and suitable measures shall be made to minimise noise from within the premises, to the satisfaction of the Planning Authority.
6. The tables, chairs and other related items shall be contained within the area of public road/footway to be agreed in writing with the Council as Roads Authority and to the satisfaction of the Planning Authority.
7. The tables, chairs and other related items shall not be affixed to the footway, shall be taken inside by 1800 hours daily and shall not be placed outside prior to 1000 hours daily, 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.

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.

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2. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at, or in the vicinity of, the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. 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.
4. The applicant is advised that, in terms of Section 59 of the Roads (Scotland) Act 1984, consent must be obtained from the Council as Roads Authority to occupy any area of the public road.

(iv) 10/01484/FLL – PERTH – Change of use from dwelling house to childcare business (Operating hours 8am-6pm, Monday to Friday) 46 Balhousie Street, Perth – Mrs Joanne Machray– Report 10/621

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, unless otherwise provided for by conditions imposed on the planning consent.
3. The operating hours of this childcare business shall be from 8.00am to 6.00pm, Monday to Friday only.
4. The number of children which the childcare business caters for shall be a maximum of 15.

Justification

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

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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.

(v) 10/01598/FLL – BLAIRGOWRIE – Erection of a detached dwellinghouse at Viewfield Cottage, Brucefield Road, Blairgowrie – G S Brown Construction Ltd – Report 10/622

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

Motion (Councillors E Grant and L Caddell) – Refuse, on the basis that the proposal is contrary to Policies 56 and 57 of the Eastern Area Local Plan 1998 in relation to density of the area.

Amendment (Councillors J Kellas and K Lyall) – Grant, subject to conditions contained in Report 10/622.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

(vi) 10/01629/FLL – SCONE – Erection of 14 flatted dwellinghouses (Phase 2 Plot Nos 13-26) at the former Balgarvie Mill, Scone – A & J Stephen Builders Ltd– Report 10/623

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.

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2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site
 - (ii) measures to treat/remove contamination to ensure that 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 Council as Planning Authority.
4. Prior to the occupation of the first residential unit, the traffic light controlled junction at the junction of Angus Road and the new site access road shall be installed and commissioned to the requirements of the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
5. Roads 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 occupation of any dwelling, to the satisfaction of the Council as Planning Authority.
6. 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.
7. Prior to the commencement of any works on site a detailed planting/landscaping scheme (including all proposed tree works), which must include a timescale for implementation, shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, within the agreed timescale, with replanting occurring as necessary to the satisfaction of the Council as Planning Authority.
8. Prior to the commencement of any works on site precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval in writing by the Council as Planning Authority.

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9. No trees shall be removed, unless otherwise agreed in writing by the Council as Planning Authority.

Justification

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

Procedural Notes

The formal decision notice shall not be issued until a formal agreement by the Council has been issued concerning the use of Affordable Housing Credits.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.
3. The applicant is advised that in terms of Section 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 the Scottish Environment Protection Agency.
4. 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.
5. 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.

- (vii) **10/01630/FLL – SCONE – Erection of 12 dwellinghouses (Phase 3 Plot Nos 27-38) at the Former Balgarvie Mill, Scone – A & J Stephen Builders Ltd– Report 10/624**

Resolved:

Grant, subject to the following conditions:

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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, unless otherwise provided for by conditions imposed on the planning consent.
3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site
 - (ii) measures to treat/remove contamination to ensure that 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 Council as Planning Authority.
4. Prior to the occupation of the first residential unit, the traffic light controlled junction at the junction of Angus Road and the new site access road shall be installed and commissioned to the requirements of the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
5. Roads 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 occupation of any dwelling, to the satisfaction of the Council as Planning Authority.
6. 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.
7. Prior to the commencement of any works on site a detailed planting/landscaping scheme (including all proposed tree works), which must include a timescale for implementation, shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, within the agreed timescale, with replanting occurring as necessary to the satisfaction of the Council as Planning Authority.
8. Prior to the commencement of any works on site precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval in writing by the Council as Planning Authority.

PERTH AND KINROSS COUNCIL
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9. No trees shall be removed unless otherwise agreed in writing by the Council as Planning Authority.

Justification

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

Procedural Notes

The formal decision notice shall not be issued until a formal agreement by the Council has been issued concerning the use of Affordable Housing Credits.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.
3. The applicant is advised that in terms of Section 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 the Scottish Environment Protection Agency.
4. 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.
5. 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.

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