

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 2 April 2008 at 9.30am.

Present: Councillors W Wilson, M Barnacle, K Lyall, L Caddell, I Campbell, A Cowan (substituting for Councillor M Lyle), E Grant, A Jack, J Kellas, W Lumsden and H McDonald.

In Attendance: Councillors W Robertson (excluding Arts. 209(1), (2) and (3)); N Brian, A Condliffe, T Brydone, D Buchanan, B McNaughton, G Peebles (all The Environment Service); C Elliott (Corporate Services) and Y Oliver (Chief Executive's Service).

Apologies: Councillors M Lyle and A MacLellan

Councillor W Wilson, Convener, Presiding.

206. DECLARATIONS OF INTEREST

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

207. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 27 February 2008 (Arts. 134-138) was submitted, approved as a correct record and authorised for signature, subject to it being noted that Councillor J Kellas had submitted his apologies for the meeting.

208. 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.
07/02013/FUL	209(3)
07/02221/FUL	209(4)
07/02174/FUL	209(6)
07/02537/FUL	209(7)
07/02574/FUL	209(8)

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

209. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **07/01973/FUL and 07/01974/FUL – PERTH – Change of use from church to real ale, wine and food bar, St Paul's Church, St Paul's Square, Perth – JD Wetherspoon Plc – Conjoined Report 08/188**

The Committee noted that Paragraph 14 of Report 08/188 referred to an application made in 1997, not 2007, as the report suggested.

Resolved:

07/01973/FUL

Grant, subject to the following conditions as detailed in Report 08/188, and additional Condition 7 being included as requested by the Environmental Health Service:

1. The development shall be commenced within a period of five years from the date of this consent.
2. The development shall be carried out in accordance with the approved plans unless otherwise provided for by conditions imposed on the planning consent.

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3. The soundproofing of the premises shall be such that amplified sound is not audible within any nearby residential property, to the satisfaction of the Planning Authority.
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 premises are not exhausted into or escape into any neighbouring dwelling, to the satisfaction of the Planning Authority. Details of the system shall be agreed in writing by this Planning Authority and fully implemented prior to the use of the premises being implemented.
5. All plant and equipment to be installed or operated in connection with the development, shall be so enclosed, attenuated and maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 0700 and 2300 hours daily or Noise Rating 25 between 2300 and 0700 hours daily within any neighbouring residential premises.
6. Details of all plant and equipment proposed on the exterior of the building shall be submitted to the Planning Authority for approval in writing prior to the commencement of work.
7. The hours of operation of the pavement seating area shall be restricted to between 0800 and 2200 hours daily.

07/01974/FUL

Grant, subject to the following conditions as detailed in Report 08/188, and an additional Condition 7 being included as requested by the Environmental Health Service:

1. The development shall be commenced within a period of five years from the date of this consent.
2. The development shall be carried out in accordance with the approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. The soundproofing of the premises shall be such that amplified sound is not audible within any nearby residential property, to the satisfaction of the Planning Authority.
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 premises are not exhausted into or escape into any neighbouring dwelling, to the satisfaction of the Planning Authority. Details of the system shall be agreed in writing by this Planning Authority and fully implemented prior to the use of the premises being implemented.
5. All plant and equipment to be installed or operated in connection with the development, shall be so enclosed, attenuated and maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 0700 and 2300 hours daily or Noise Rating 25 between 2300 and 0700 hours daily within any neighbouring residential premises.
6. Details of all plant and equipment proposed on the exterior of the building shall be submitted to the Planning Authority for approval in writing prior to the commencement of work.
7. The hours of operation of the pavement seating area shall be restricted to between 0800 and 2200 hours daily.

- (2) **07/02002/FUL – CRIEFF – Conversion of existing hotel and outbuildings to form 17 dwellings with associated car parking and ground floor commercial unit at Drummond Arms Hotel, James Square, Crieff – Strandpark Limited – Report 08/189**

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.

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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. The soundproofing of the premises and the control of amplified sound shall be such that no amplified sound from the commercial areas is audible in any nearby residential property.
4. If the ground floor unit is used as a Class 3, then an effective ventilation system, commensurate with the nature and scale of cooking to be undertaken, shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
5. All plant and equipment, including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
6. The new facing masonry shall match the existing masonry adjacent in respect of type, colour, texture, face bond and pointing. Sample panels of new facing masonry showing the proposed masonry types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Council as local Planning Authority before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed and has been approved.
7. The galvanised steel fire escape stairway shall be solid painted black or an alternative colour to be agreed all to the satisfaction of the Council as Planning Authority.
8. The rooflights to be installed shall be Conservation Area approved design and type with recessed flashing to the satisfaction of the Council as Planning Authority.
9. Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or theft during the building work. Details shall be submitted to and approved by the Council as local Planning Authority before works begin on site, and the relevant work carried out in accordance with such approval. Particular regard should be given to the following items: the caged lift; the main timber staircase; the lobby window with leaded multi-pane glazing at first floor level; all ornamental/decorative ceiling plasterwork in main entrance lobby and in the former lounge, dining and function rooms at first floor level. A photographic survey of these features should be carried out and made available to the Council prior to the commencement of any works on site.
10. All new partitions shall be scribed around the existing ornamental mouldings.
11. The use of the ground floor commercial unit shall be restricted to Classes 1, 2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only.

No planning consent shall be issued until a Section 75 Agreement has been agreed between the Council and developer regarding the provision of the affordable units on site and the payment of an agreed contribution in regard to the upgrade of existing educational facilities.

(3) 07/02013/FUL – KILLIECRANKIE – Erection of 6 houses at former railway yard, Killiecrankie – Fiona Pratt, Vivian Wright and Louise Whyte – Report 08/190

The Committee noted that a financial contribution for education provision was not required (Part B).

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Mr D Coutts, 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 five 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 trees shown for retention on the approval plans on the southern boundary of the site shall be retained and protected with all works adhering to British Standard "BS 5837 2005 - Trees in Relation to Construction" to the satisfaction of the Council as Planning Authority.
4. Development shall not begin until a scheme to deal with 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 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.
5. Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.
6. 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 the occupation of the houses.
7. 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.

No planning consent shall be issued until a Section 75 agreement has been agreed between the Council and developer regarding the payment of a financial contribution towards Affordable Housing.

(4) 07/02221/FUL – METHVEN – Change of use to enable the additional use of the site for the drying of sawdust and the manufacture of wood pellets at South Cassochie Farm, Methven – Mr J Halley – Report 08/192

The Committee noted that the application numbers in Paragraphs 17 and 19 had been transposed on Report 08/192.

Mr J Halley, applicant, and Mr N McNally, objector, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Lumsden and A Jack) – Refuse, for the following reasons:

1. The application is contrary to Policy 1 of the Perth Area Local Plan 1995 in that it is not compatible in land use terms.
2. The application is contrary to Policy 6 of the Perth Area Local Plan 1995 in that it is not compatible with other Landward area policies, specifically policies 1 and 35.
3. The application will cause noise pollution to be emitted from the plant.
4. The application will cause road traffic safety issues.
5. The application will cause potential damage to tourism.
6. The application will cause a loss of amenity to the area.

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First Amendment (Councillors K Lyall and E Grant) – Grant, subject to conditions contained in Report 08/192.

Second Amendment (Councillors L Caddell and J Kellas) – Grant, for a temporary period of two years, 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, unless otherwise provided for by conditions imposed on the planning consent.
3. The hours of operation of the plant shall be restricted to 0730 on Monday through till 1630 on Saturday inclusive with no operation on Sunday.
4. Unless otherwise agreed in writing by the Council as Planning Authority, the number of deliveries and collections to and from the plant shall be restricted to a maximum of 8 two way (16 single) HGV movements per weekday and 3 two way (6 single) HGV movements on a Saturday. No deliveries or collection shall be permitted on a Sunday. A record of all deliveries shall be kept and made available to Perth and Kinross Council for inspection if required.
5. The hours of delivery and collection of materials from the site shall be restricted to 0730 to 1800 Monday to Friday and 0730 to 1600 on a Saturday.
6. All plant or equipment be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart. The applicant shall, upon written request and unless otherwise agreed in writing with the Planning Authority, put in place additional measures to ensure that low frequency components of the noise are not detectable above background levels in any nearby residential property to the satisfaction of the Planning Authority.
7. Prior to the start of operations the road improvement works on the U30 public road and the existing private road to South Cassochie Farm, all as identified in the T A Millard Transport Assessment in the Supporting Information for the application, shall be carried out to the satisfaction of the Planning Authority.
8. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
9. Three HGV parking spaces shall be provided within the site.
10. The proposed new access road to the south of the site, identified as Detail A in the Transport Assessment, shall be formed with a bound surface to the satisfaction of the Planning Authority.
11. Should any aspect of the proposed operations result in justified nuisance complaints the applicant shall, if required by the Planning Authority, have recognised consultants approved by the Planning Authority to carry out monitoring for dust and provide reports to the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports within a period of 2 months, unless otherwise agreed in writing with the Planning Authority.
12. Development shall not begin until an air quality assessment, to be executed by a suitably qualified consultant, has been submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of local air quality is maintained.

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The sawdust drying plant shall not be operated until the report has been approved and any required measures to mitigate emissions have been fully implemented.

13. **Details of any external lighting shall be submitted for the prior approval of this Planning Authority. For the avoidance of doubt, any external floodlights or other lighting within the site shall be sufficiently screened and aligned to ensure that there is no light spillage beyond the boundaries of the site.**

Second Amendment – 5 votes

First Amendment – 3 votes

The First Amendment accordingly fell.

Second Amendment – 8 votes

Motion – 3 votes

Resolved:

In accordance with the Second Amendment.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RE-CONVENED.

- (5) **07/02434/OUT – GLENALMOND – Formation of market garden and erection of house, South Cairnies Farm, Glenalmond, Perth – Mr Weetman – Report 08/193**

Resolved:

Refuse, for the following reasons:

1. The development is contrary to Policy 32 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 in that the proposed house does not fall within any of the categories specified in Annex 1.
2. The proposed house does not fall within any of the specified categories of development within the Council's December 2005 Policy on Housing in the Countryside, i.e. building groups, infill sites, new houses in the open countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, brownfield sites.
3. There is insufficient provision in regards to access and visibility, in the interest of traffic and pedestrian safety.

- (6) **07/02174/FUL – RUMBLING BRIDGE – Erection of a dwellinghouse at The Brae, Rumbling Bridge, Kinross – Mr S Hamilton – Report 08/191**

The Committee noted that (1) the last sentence of Paragraph 3 of Report 08/191 be deleted and (2) the application was in the catchment area of Fossoway Primary School, not Cleish, as stated in Report 08/191.

Mr K Doe, agent, on behalf of the applicant, and Ms C Ritchie, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors M Barnacle and A Jack) – Refuse, on the grounds that the application is contrary to Policies 2(a), 2(c), 2(e), 6(d), 6(e), 13 and 81 of the Kinross Area Local Plan.

Amendment (Councillors L Caddell and E Grant) – Grant, subject to the conditions contained in Report 08/191.

Amendment – 5 votes

Motion – 6 votes

Resolved:

In accordance with the Motion.

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(7) 07/02537/FUL – POWMILL – Demolition of existing steading and rebuild to form 6 dwellinghouses at former steading at Pitfar, Powmill – Trilogy – Report 08/194

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

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Motion (Councillors M Barnacle and A Jack) – Defer, to allow Planning Officers and the Applicant to consider the implications, in terms of this application, a recent appeal decision for a neighbouring site, Barnhill.

Amendment (Councillors J Kellas and L Caddell) – Grant, subject to the following conditions as detailed in Report 08/194 and also subject to Conditions 2, 3, 5 and 6 being amended from those detailed in Report 08/194 to read as follows:

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, unless otherwise provided for by conditions imposed on the planning consent. For the avoidance of doubt, natural stone and natural slate shall be used where indicated.
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. For the avoidance of doubt, where possible natural materials reclaimed from the existing buildings on the site shall be incorporated into the development to the satisfaction and prior approval of this Planning Authority.
4. 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.
5. 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 six months of the completion of the development and thereafter maintained; unless otherwise agreed in writing with this Planning Authority. For the avoidance of doubt, the scheme as submitted shall include a management plan for the future maintenance of all planting, including retained and additional.
6. No trees on the site shall be felled without the written prior approval of the Planning Authority. For the avoidance of doubt, tree protection measures shall be carried out, prior to the commencement of any works on site, to the prior approval of this Planning Authority. The location and design of protective fencing around retained trees shall be in accordance with BS 5837:2005 and no materials or equipment shall be stored within the canopy spread of the trees to be retained.
7. The vehicular access shall be formed in accordance with the Council's Roads Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority.
8. The gradient of the access shall not exceed 3% for the first 6.00 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 highway.
9. Visibility splays of 4.50m x 70.00m measured from the centre line of the new access shall be provided in both directions along the nearside

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- channel of the U223 public road prior to the occupation of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
10. Fourteen 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 dwellings and shall be maintained permanently thereafter.
 11. 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 and shall be maintained permanently thereafter.
 12. The site shall be served by the existing private access which shall be provided with intervisible passing places at approximately 100m centres. The access shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
 13. Prior to the occupation of houses intervisible passing places shall be provided on the U223 public road at locations to be agreed with and constructed to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority and shall be maintained permanently thereafter.
 14. Major site preparation work such as the demolition of buildings, removal of roofs or tree/scrub clearance must be undertaken outwith the breeding season (i.e. not between 1st March and 31st August). If this is not possible, a survey must be undertaken to confirm that there are no nesting birds present. This survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist and must be undertaken prior to any work commencing on site.
 15. Prior to the start of works a bat survey shall be undertaken for approval of the Planning Authority to establish the presence of any bats on the site. The local SNH office should be contacted for further advice.

Consent shall not be issued until a Section 75 Agreement has been completed and signed in respect of the following issues:

- (i) A financial contribution in lieu of on-site provision of affordable housing;
- (ii) A financial contribution towards the provision of additional accommodation at Blairingone Primary School.

Amendment – 7 votes

Motion – 4 votes

Resolved:

In Accordance with the Amendment.

(8) 07/02574/FUL – MILNATHORT – Change of use from car sales showroom and office to hot food takeaway and erection of first floor flat at 104 South Street, Milnathort, Kinross – Lorenzo Andreucci – Report 08/195

Mr J McLellan and Mr D Murphy, objectors, addressed the Committee, and, following their representation, withdrew to the public benches.

In accordance with Standing Order 53, Councillor W Robertson, one of the Elected Members representing Ward 8, addressed the Committee.

Resolved:

Refuse, on the grounds that the application is contrary to Policies 2(c), 67 in relation to residential amenity and 68 of the Kinross Area Local Plan.

An amendment by Councillor K Lyall, to grant the application in accordance with the conditions detailed in Report 08/195, failed to secure a seconder and the amendment accordingly fell.