

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 6 October 2010 at 9.30am.

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

In Attendance: N Brian; A Condliffe, A Fleming, J Thomson and G Peebles (all the Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors A Jack and W Lumsden.

Councillor W Wilson, Convener, Presiding.

561. WITHDRAWAL OF APPLICATION

The Committee noted the following application had been withdrawn from the Agenda:

09/01496/FLL – KINFAUNS – Conversion of vacant redundant church to dwellinghouse at Kinfauns Church, Kinfauns (Report 10/522)

562. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

563. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 8 September 2010 (Arts. 505-508) was submitted, approved as a correct record and authorised for signature.

564. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) **10/00976/IPL – BLAIRGOWRIE – Residential development at West George Street, Blairgowrie – D McIntosh and Sons – Report 10/523**

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

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 and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
 3. The design of the building shall reflect the traditional architectural character of the area in terms of height, scale, form and fenestration detailing.
 4. The submitted sketch layout and elevations is purely for illustrative purposes only and is not approved and in addition no commitment is given at this stage to a final number of units on site which will depend on satisfying Condition 3 above.
 5. The development shall not be started until a contaminated ground investigation has been carried out in respect of the site by a suitably qualified consultant, and a scheme to deal with any contamination on the site has been submitted to and approved by the Planning Authority. The scheme shall include the following details:
 - (i) The nature, extent and types of contamination on the site including any source, pathway or 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 remedial measures.

Before any residential unit is occupied the necessary measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the scheme proposals have been fully implemented must also be submitted to the Planning Authority.

6. Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

- standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
7. The proposed development shall comply with the Council's Primary Education and New Housing Development policy approved in June 2010 all to the satisfaction of the Council as Planning Authority.
 8. The proposed development shall comply with the Council's Affordable Housing Policy approved in August 2009 all to the satisfaction of the Council as 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 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
- 2 The applicant should be 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.

(ii) 10/01019/FLL – MILNATHORT – Relaxation of operating hours to permit Sunday trading at café at 19 South Street, Milnathort – Scott Hospitality Services Ltd – Report 10/524

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. 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 development are not exhausted into or escape to any neighbouring property.
4. Noise levels and vibration from the operation of any plant or equipment, including any sound system and ventilation system associated with operation of the business, shall

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

be so controlled that they are not perceptible in any neighbouring domestic dwelling.

5. The tea room shall only operate between the hours of 08.00 to 18.00 Monday to Saturday and 10.00 to 17.00 on a Sunday unless otherwise agreed in writing by the Planning Authority.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. 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 and a draft notice is included for your guidance. 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.

(2) Applications with Council Interest

- (i) **10/01110/FLL – PERTH – Demolition of existing nursery building and erection of 10 dwelling houses and associated infrastructure at Friarton Nursery School, Edinburgh Road, Perth – Perth and Kinross Council – Report 10/525**

Resolved:

Defer, for the purposes of further consideration of the access to the park and parking provision.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

- (ii) **10/00965/FLL – GLENFARG – Formation of a landscaped public area on Land 10 Metres South Of Silverwood, Main Street, Glenfarg – Glenfarg Community Council – Report 10/526**

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.

Justification

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

- (iii) **10/00503/FLL – KINROSS – Demolition of existing toilet block and replace with new automated public convenience with hard and soft landscaping works at Kirkgate Park, Kirkgate, Kinross – Perth and Kinross Council – Report 10/527**

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. 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.

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

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. 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 and a draft notice is included for your guidance. 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 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.
5. No work shall commence until Listed Building Consent has been formally issued
6. No work shall be commenced until an application for building warrant has been submitted and approved.

(iv) 10/01553/LBC – KINROSS – Demolition of existing toilet block and replace with new automated public convenience with hard and soft landscaping works at Kirkgate Park, Kirkgate, Kinross – Perth and Kinross Council – Report 10/528

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. 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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. 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. No work shall be commenced until planning permission has been formally approved.
5. No work shall be commenced until an application for building warrant has been submitted and approved.

- (v) **10/01109/FLL – PERTH – Laying out and landscaping of public open space (including play area) at land west of The Rookery, Muirton, Perth – Perthshire Housing Association – Report 10/529**

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 shall be carried out in accordance with the approved plans unless otherwise provided for by conditions imposed on the planning consent.
3. The proposed floodlighting for the kick-about space shall be designed such that it does not adversely impact on

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
6 October 2010

adjacent residential properties by reason of light pollution, details to be submitted to the Planning Authority for approval prior to the installation thereof. Such details as agreed shall be maintained permanently thereafter.

4. The proposed park shall be constructed concurrently with the progress of development and shall be substantially completed prior to the commencement of work on Phase 4 of the Muirton regeneration programme. Thereafter the park shall be maintained 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.
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 and a draft notice is included for your guidance. 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 required and contact should be made with the Scottish Environment Protection Agency at an early date to establish the requirements for this application

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