

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
19 January 2011

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 January 2011 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell, I Campbell, C Gillies, E Grant, J Kellas, W Lumsden, M Lyle and S Miller.

In Attendance: Councillors C Shiers and B Ellis (Item 4(1)(i) only); N Robson (Item 4(1)(i) only), and N McCowan Hill (Housing and Community Care); R Bean (from Item 4(2)(i) onwards); E Oliver (Item 4(1)(i) only), S Salins, G Peebles, J Thomson, D Littlejohn, A Fleming, N Brian and A Condliffe, (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.

12. DECLARATIONS OF INTEREST

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

13. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 8 December 2010 (Arts. 642-645) was submitted, approved as a correct record and authorised for signature.

14. 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.
10/01370/AMM	
10/01066/FLL	
10/01678/CON	

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

15. PLANNING APPLICATIONS FOR DETERMINATION

(2) Major Applications

- (i) 10/01370/AMM – BLAIRGOWRIE – Residential development comprising 67 mainstream and 22 affordable homes; with associated vehicular access, open space and landscaping (Approval of Matters Specified in Conditions relating to planning in principle consent 09/00741/IPM) on land 100 metres east of the junction of Woodlands Park and Coupar Angus Road, Blairgowrie – Miller Homes Limited - Report 11/11**

C Elliot, Solicitor, requested that, should the Committee be minded to approve the application, Procedural Note C of Report 11/11 should have the words 'tenure and timing' added after the word 'delivery' when referring to affordable housing.

J McCallum, Planning Consultant, on behalf of the applicant, and Ms D McVean, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillors C Shiers and B Ellis, two of the elected members representing Ward 3, addressed the Committee, and, following their representations, withdrew to the public benches.

Motion (Councillors W Wilson and J Kellas) – Grant, subject to (a) conditions contained in Report 11/11; (b) Procedural Note C being amended and (c) an additional informative being added in connection with recycling facilities being provided on-site, all as undernoted:

- 1 The Planning Permission in Principle for this development lapses on the expiration of two years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- 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.

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- 3 The line of mature beech trees along the west boundary with Coupar Angus Road shall be retained other than the seven trees identified in the submitted Tree Survey Report for removal and protected in accordance with BS 5837:2005 all to the satisfaction of the Council as Planning Authority.
- 4 The detailed design of the soft landscaping and play area design and proposals for maintenance shall be the subject of further written approval from the Council as Planning Authority.
- 5 Details of the specification and colour of the external finishes shall be submitted for the written approval of the Planning Authority prior to the commencement of the development.
- 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) and facilities for public transport in the form of bus boarders, bus stops and associated shelters within the site and on the public road adjacent to the site shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 7 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

Justification

The previous application in principle 09/00741/IPM was treated as contrary to the Development Plan, but was approved as a departure in the light of the revised Housing Land Supply figures recently approved by the Council which constituted an important material consideration which warranted the setting aside of the Development Plan.

Procedural Notes

Prior to the issue of any decision notice, the developer shall conclude a Section 75 Agreement to include the delivery, tenure and timing of the affordable housing and the collection of developer contributions in respect of education and open space/play equipment.

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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 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 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.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

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- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to consider the possibility of local recycling facilities on site.

First Amendment (Councillors E Grant and C Gillies) – Refuse, on the grounds that:

- (i) the application will lead to over-development of the site in terms of density compared to the surrounding area and therefore is contrary to Policies 2 and 58 of the Eastern Area Local Plan 1998; and
- (ii) the design of the affordable housing element is out of keeping with the surrounding area in terms of the two-storey and flatted nature and is therefore contrary to Policy 58 of the Eastern Area Local Plan 1998.

Second Amendment (Councillors I Campbell and M Lyle) – Grant, subject to (a) conditions contained in Report 11/11; (b) an additional condition requiring local recycling facilities to be provided on site; and (c) Procedural Note C being amended with the addition of the words 'tenure and timing' after the word 'delivery' in relation to affordable housing.

Second Amendment – 7 votes First Amendment – 3 votes
In accordance with Second Amendment

Amendment – 2 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

COUNCILLORS C SHIERS AND B ELLIS LEFT THE MEETING AT THIS POINT.

N ROBSON AND E OLIVER LEFT THE MEETING AT THIS POINT.

R BEAN JOINED THE MEETING AT THIS POINT.

(2) Local Applications

- (i) **10/01066/FLL – AMULREE – Alterations to hotel, subdivision of south wing to form two dwellinghouses, alteration and extension of stable yard to form 3 dwellinghouses and a heritage centre and the erection of detached dwellinghouse at the Amulree Hotel, Amulree – Mr D Henderson – Report 11/12**

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A Condliffe, Applications Team Leader, addressed the Committee, and requested that, should they be minded to approve the application, an additional condition be inserted after Condition 16 relating to a management plan for the reduction of pathogenic organisms.

Mr C Henderson, 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 and an additional condition 17 being inserted and the following conditions being renumbered accordingly, as undernoted:

- 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 All trees shall be retained unless otherwise agreed in writing by the Council as Planning Authority.
- 4 Prior to the occupation of the new dwelling house, the new vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- 5 Prior to the occupation of any dwelling or the commencement of use of the heritage centre, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- 6 A minimum of ten car parking spaces shall be provided within the site to serve the heritage centre, and thereafter retained unless otherwise agreed in writing by the Council as Planning Authority.
- 7 Prior to any works to the stable blocks, a Bat Survey shall be carried out by a suitably qualified consultant. A copy of the report, including its recommendations, shall be submitted to the Council as Planning Authority.
- 8 The soundproofing of the non-residential premises and the control of all amplified sound shall be such that no amplified sound is audible in any noise sensitive property, to the satisfaction of the Council as Planning Authority.

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- 9 The sound insulation properties or sound transmission characteristics of the structures and finishes of all non-residential properties shall be such that no impact or airborne noise from the normal operations within the premises is audible in any nearby noise sensitive property, to the satisfaction of the Council as Planning Authority.
- 10 All plant or equipment, including any ventilation system, associated with the operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise rating 20 between 2300 and 0700 hours daily, within any nearby noise sensitive premises, with all windows slightly open, when measured and / or calculated and plotted on a Noise rating curve chart, to the satisfaction of the Council as Planning Authority.
- 11 All plant or equipment associated with the operation of the air source heat pumps shall be so enclosed, attenuated and / or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise sensitive premises with all windows slightly open, when measured and / or calculated and plotted on a Noise rating curve chart, to the satisfaction of the Council as Planning Authority.
- 12 Prior to the commencement of any works on site precise details of all the air sourced heat pumps shall be submitted for the approval in writing by the Council as Planning Authority.
- 13 The air source heat pumps must not be mounted to the structure of any building.
- 14 The delivery of goods to the non-residential premises shall take place between 0700 and 2100 Monday to Saturday only, and at no other times. The idling of delivery vehicles engines is strictly prohibited.
- 15 Effective ventilation systems commensurate with the nature and scale of the cooking to be undertaken in the non-residential premises shall be installed, operated and maintained, within the commercial areas such that cooking odours are not exhausted into or escape into any nearby dwelling(s), to the satisfaction of the Council as Planning Authority.

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- 16 The installation of the biomass boiler shall not take place until such time as an Air Quality Assessment, providing information equivalent to that required by the Local Air Quality Management Technical Guidance (LAQM TG(09)), has been approved by the Council as Planning Authority.
17. A suitable management plan shall be instituted to ensure that the growth of pathogenic organisms will be minimised in the fuel store to the satisfaction of the Council as Planning Authority.
- 18 Prior to the commencement of any works on site precise details of the phasing of the development shall be submitted for the approval of the Council as Planning Authority.
- 19 Prior to the commencement of any works on site precise siting details of all temporary site compounds / structures shall be submitted for the approval in writing by the Council as Planning Authority.
- 20 Prior to the commencement of any works on site, a Construction Method Statement (CMS) shall be submitted for the approval in writing by the Council as Planning Authority which identifies measures to prevent harmful materials potentially entering the River Braan, which could reduce water quality and have a detrimental impact upon the interests of a Special Area of Conservation. The CMS should include the following:
 - a) pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
 - b) storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods;
 - c) construction site facilities, including extent and location of construction site huts, vehicles, equipment, and materials compound;
 - d) timing, duration and phasing of construction.
- 21 Prior to the commencement of use of the heritage centre, precise details of the nature and extent of any proposed retail use shall be submitted for the approval in writing by the Council as Planning Authority.

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- 22 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.
- 23 No signage is approved as part of this consent.

Justification

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

Procedural Notes

No planning consent shall be issued until payment has been received for affordable housing contributions or a legal agreement has been concluded for the delayed payment of the contributions.

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.

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- 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 The applicant is advised that there may be bats or bat roosts on the site. If this is the case a licence may be required from the Scottish Government. The Wildlife and Countryside Act 1981 provides special protection for all species of bat. Bats are further protected under Regulation 39(1) of the Conservation (Natural Habitats & c.) Regulations 1994. This means it is illegal to deliberately kill bats or to deliberately damage or destroy bat roosts or disturb bats in their roosts.
- 7 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.

(3) Applications with Council Interest

- (i) 10/01184/FLL – KENMORE – Erection of 8 dwellinghouses and roadway. Land at Taymouth Drive, Kenmore – Perthshire Housing Association – Report 11/13**

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 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

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- 4 The (proposed) core path running along the south-east bank of the river must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good to the satisfaction of the Council as Planning Authority prior to the occupation of the first house.
- 5 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.
- 6 Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
- 7 Prior to the occupation or use of the approved development a minimum of fourteen car parking spaces shall be provided within the site.
- 8 Any associated in-river work shall be restricted to the period between 1 June - 31 October, to the satisfaction of the Council as Planning Authority.
- 9 Prior to the commencement of construction, a full detailed Construction Method Statement shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include:
 - Pollution prevention, including the possible use of siltation traps, settlement tanks and bunds.
 - Material, fuel and chemical storage, appropriate siting of stock piles and use of buffer strips, bunding and fencing.
- 10 Prior to the commencement of development details of all external surfaces and finishes shall be submitted and agreed in writing by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented as part of the development.
- 11 Prior to the commencement of development a detailed landscaping plan shall be submitted and agreed in writing by the Council as Planning Authority. The plan shall include all trees affected by the proposals and any new planting. Any replacement planting shall be in keeping with the local landscape character and be of an appropriate native species of local origin.

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- 12 All landscaping work shall be undertaken in accordance with BS 5837 'Trees in relation to Construction'. Any trees affected by the route of the drainage outfall shall be appropriately protected during construction to ensure their long-term retention, all to the satisfaction of the Council as Planning Authority.
- 13 Details of all boundary enclosures for the site shall be submitted and agreed in writing by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented as part of the development.
- 14 All the dwellings shall be affordable housing as defined under the Council's Affordable Housing Policy 2007 (Amended 2010).
- 15 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive property, with all windows slightly open, when measured and/ or calculated and plotted on a Noise Rating curve chart.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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.

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- 3 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/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.
- 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 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 6 The applicant is advised to consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.

(ii) 10/01678/CON – PITLOCHRY – Demolition of Office, Perth and Kinross Council, Rie-Achan Road, Pitlochry – Report 11/14)

Mr S Salins, Project Architect on behalf of the applicant, and Mr J Pearson, on behalf of Pitlochry and Moulin Community Council, objectors to the application, addressed the Committee, and, following their respective representations, 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.

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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 Demolition shall not commence until evidence that a contract has been let for the approved redevelopment of the site submitted and agreed in writing or that a suitable temporary landscaping scheme for the site has been submitted and approved in writing by the Planning Authority. The approved landscaping scheme shall be implemented in its entirety within one month of demolition being completed to the satisfaction of the Planning Authority.

Justification

The application is considered to comply with the Development Plan and the material consideration apparent serves to add weight to a recommendation of approval.

Procedural Note

As the Council is the applicant and the proposal relates to the demolition of a building within a Conservation Area the determining authority is Historic Scotland. No consent can be issued until formal clearance is received from Historic Scotland.

Informatives

No work shall be commenced until an application for building warrant has been submitted and approved.

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