

## **DEVELOPMENT CONTROL COMMITTEE**

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 17 August 2011 at 9.30am.

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

In Attendance: N Brian, A Condliffe, A Fleming, J Thomson, K Steven and K Stirton (all the Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apology for Absence: Councillor S Miller.

Councillor W Wilson, Convener, Presiding.

### **443. WITHDRAWAL OF APPLICATIONS**

The Committee noted the following applications had been withdrawn from the agenda:

- (i) 08/01279/FLM – AUCHTERARDER – Erection of 147 dwellinghouses and associated engineering operations on land at Castlemains Farm, Auchterarder – Muir Homes – Report 11/388**
- (ii) 09/01290/FLM – AUCHTERARDER – Erection of 261 dwelling houses on land at Kirkton, Auchterarder – Stewart Milne Homes North – Report 11/389**
- (iii) 11/00165/FLL – KINNAIRD – Erection of a dwellinghouse at Delford House, Kinnaird – Mr D Fearon – Report 11/392**

### **444. DECLARATIONS OF INTEREST**

Councillor W Wilson declared a non-financial interest in Art. 447(3)(i) in terms of the Councillors' Code of Conduct.

### **445. MINUTE OF PREVIOUS MEETINGS**

The Minute of Meeting of the Development Control Committee of 20 July 2011 (Arts. 435-438) was submitted, approved as a correct record and authorised for signature.

### **446. DEPUTATIONS**

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

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|                          |             |
|--------------------------|-------------|
| Planning Application No. | Article No. |
| 11/00294/FLL             | 447(2)(ii)  |
| 11/00674/FLL             | 447(3)(i)   |
| 11/01117/FLL             | 447(3)(ii)  |

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

**447. APPLICATIONS FOR DETERMINATION**

**(1) Major Application**

- (i) 11/00933/FLM – PERTH – Proposed Variation of Conditions 2 and 3 of previous consent (08/00122/OUT for residential development) to allow an extended time period for submission of reserved matters at Cherrybank, Necessity Brae, Perth – Hansteen Land Limited – Report 11/390**

**Resolved:**

**Grant**, subject to the following conditions:

1. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
  - (i) the expiration of six years from the date of the grant of outline planning permission.
2. The development to which the outline planning permission relates must be begun not later than:-
  - (i) Two years from the date of the final approval of all reserved matters.

**(2) Local Applications**

- (i) 10/00233/FLL – RUTHVENFIELD – Erection of 12 dwellinghouses and associated drainage and road infrastructure on land adjacent to Ruthven House, Ruthvenfield – Mr J Bryden – Report 11/391**

Motion (Councillors W Lumsden and A Jack) – Refuse, on the grounds that (i) there is an unacceptable risk of drainage pollution to the Lade due to possible low water levels; and (ii) on adverse road safety grounds in that the proposed access/egress for the site is too close to the corner of the existing public road and to the school and is therefore unsafe.

**Amendment (Councillors L Caddell and B Band) – Grant, subject to the following conditions and an additional Condition 11 as undernoted:**

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. 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.
4. 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.
5. The recommendations outlined in the Tree Survey and Arboricultural Report by Langton Tree Specialists dated March 2011, including tree protection measures shall be fully implemented to the satisfaction of the Planning Authority with all new planting fully undertaken prior to the occupation of the first dwellinghouse.
6. No existing trees on the site shall be lopped, topped or felled without the prior written consent of the Planning Authority.
7. 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.
8. Prior to commencement of work on site the applicant shall submit full design details of a Sustainable Urban Drainage System (SUDs) in accordance with best management practice.
9. A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all tree planting shall be submitted and approved in writing by the Planning Authority before work is commenced on site. The scheme as approved shall

- be fully implemented prior to the occupation of any of the units.
10. 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.
  11. Details of measures to protect the pipeline during construction shall be lodged for the prior approval of the Planning Authority in writing and such measures agreed shall be fully implemented prior to commencement of any works on site and maintained until construction has been completed.

#### **Justification**

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

#### **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.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from

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**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 pipeline operator should be consulted prior to the laying of any services that would need to cross their pipeline.**

Amendment – 11 votes

Motion – 2 votes

**Resolved:**

In accordance with the Amendment.

- (ii) 11/00294/FLL – INVERGOWRIE – Demolition of existing and erection of a replacement dwellinghouse and detached garage at 12 Station Crescent, Invergowrie – Mr and Mrs Armstrong – Report 11/393**

Mr M Myles, 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 the proposed finished floor levels and existing ground levels shall be submitted for the approval in writing by the Council as Planning Authority.
4. The existing hedging along the western boundary shall be retained in perpetuity, and adequately protected during the course of construction, unless otherwise agreed in writing by the Council as Planning Authority.
5. The roof shall be natural slate and the external walls finished in wet dash render, unless otherwise agreed in writing by the Council as Planning Authority.

**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

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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.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**(iii) 11/00910/FLL – PERTH – Variation of condition 8 of planning consent (09/01190/FLL) to extend hours of operation of the nightclub at Brennan's, 46 St John Street/35 Watergate, Perth – Brennans – Report 11/394**

N Brian requested that, should the Committee be minded to approve the above application, Condition 8 be deleted and Condition 6 be amended.

**Resolved:**

**Grant**, subject to the following conditions (amended as follows):

1. The change of use hereby approved shall operate on Friday and Saturday nights only and shall be limited to 0300 hours on Saturday and Sunday morning, to the satisfaction of the Planning Authority.
2. The proposed development shall be carried out in accordance with the approved plans unless provided for by conditions imposed on the planning consent.
3. The sound insulation and sound transmission properties of the structures and finishes shall be such that no airborne noise from operations within the premises is audible within any neighbouring residential property.
4. All doors shall be fitted with self-closing hinges.
5. All fixed plant and machinery to be installed or operated within the proposed night club shall be so enclosed, attenuated, operated and maintained such that noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours or Noise Rating 25 between 2300 and 0700 hours within any neighbouring

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residential premises, to the satisfaction of the Planning Authority.

6. The noise limiter shall be operated to control the maximum level of amplified speech and music and shall at all times be set at 90dB @ 135Hz @ 1m.
7. The primary entrance to and exit from the night club shall be St John Street through Brennan's public house and the exit onto Watergate shall only be used as an emergency fire exit.

**Justification**

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

**(3) Applications with Council Interest**

**Objections**

COUNCILLOR W WILSON, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AND TOOK NO PART IN THE DEBATE AND VOTING THEREAFTER.

COUNCILLOR B BAND, VICE-CONVENER, TOOK THE CHAIR FOR THE PURPOSES OF HEARING THE FOLLOWING ITEM.

- (i) **11/00674/FLL – PERTH – Installation of a new multi-use sports pitch with flood lighting and athletics sprint track at Perth High School, Oakbank Road, Perth – Perth and Kinross Council – Report 11/395**

Mr J Thomson, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors J Kellas and E Grant) – Grant, subject to the conditions contained in Report 11/395.

**Amendment (Councillors I Campbell and C Gillies) – Defer, for the provision of further information regarding (i) possible solutions for mitigating light pollution, (ii) possible solutions for mitigating noise pollution in relation to the proposed fencing, and (iii) possible enhanced landscaping for the proposal.**

Amendment – 8 votes

Motion – 4 votes

**Resolved:**

In accordance with the Amendment.

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COUNCILLOR W WILSON RETURNED TO THE CHAMBERS AT THIS POINT AND RESUMED HIS POSITION AS CONVENER.

**(ii) 11/01117/FLL – PITLOCHRY – Erection of 12 affordable (one bedroom) flats at Rie Aichan Road, Pitlochry – Perth and Kinross Council – Report 11/396**

S Webb, architect on behalf of Perth and Kinross Council and Mr G Dilworth, supporter to the application, on behalf of Pitlochry Civic Trust, 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.
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 development details of all proposed finishing materials of the building, including the proposed retaining wall around the car parking area shall be submitted for the further written approval of the Planning Authority. The details as approved shall be implemented during the site development.
4. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.
5. An area of hardstanding shall be provided for the storage of bins for waste collection and recycling and shall comply with the details identified within the memo from Environment and Regulatory Services dated 25 February 2011. Details of this hardstanding area shall be submitted for the further written approval of the Planning Authority prior to the commencement of development.
6. All flats shall be used for the purposes of affordable housing as defined in the Council's "Affordable Housing Policy" to the satisfaction of the Council as Planning Authority.

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**Justification**

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

**Informatives**

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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.
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 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 and 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.

**No Objections**

- (iii) **10/02175/FLL – KINROSS – Formation of distributor road to connect Junction Road with Clashburn Road, Kinross – Perth and Kinross Council – Report 11/397**

**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. At least 2 months prior to the commencement of site works a full, site specific Environmental Management Plan, addressing the potential watercourse pollution issues raised within Chapter 13 (Road Drainage and the Water Environment) of the supporting Environmental Statement, shall have been submitted to and approved in

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writing by the local Planning Authority. The Environmental Management Plan should incorporate detailed pollution avoidance and mitigation measures for all watercourses adjacent to the site and all construction elements potentially capable of giving rise to pollution including issues relating to the construction of the road, suds facility and flood storage ponds. Specifically the Management Plan should address the following:

- The implications of undertaking construction work in the flood plain;
  - The location of and arrangements for the storage of construction fuels, materials, raw materials, plant and equipment;
  - Contingencies in the event of spillage of fuel or materials;
  - Measures to prevent the migration of pollutants and sediments to watercourse;
  - Temporary SUDs measures;
  - Dust control mitigation methods.
4. The construction of the development should be carried out strictly in accordance with the agreed details and the facilities shall be maintained to prevent water run-off from polluting the water environment.
  5. Construction phase mitigation measures for dust, as set out in Appendix 5.6 of the submitted ES shall be implemented during construction of the road and associated works unless otherwise agreed in writing by the Council as Planning Authority.
  6. Prior to the commencement of site works design details of the proposed means of surface water attenuation and drainage to control the volume and quality of surface water discharge to watercourse to prevent an increase in the risk of flooding downstream and to incorporate measures that ensure it will operate effectively during periods of flood, shall be submitted to and approved in writing by the local Planning Authority. This shall also include full details of the monitoring and maintenance regime of the SUDs drainage system and catch pits to ensure their long term effective operation. The construction of the development should be carried out strictly in accordance with the agreed details and the facilities shall be maintained to prevent water run-off from polluting the water environment.
  7. Storm water drainage from all new paved surfaces including the new road, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
  8. Prior to the new road hereby approved being first brought into use the compensatory flood storage areas together

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with culvert links to the remainder of the flood plain shall have been provided and shall thereafter be maintained to ensure effective operation.

9. Prior to the commencement of site works a watercourse buffer strip shall be put in place within the site along the South Queich to prevent public, contractor and machine access, in accordance with details which shall have previously been submitted to and approved in writing by the Council as Planning Authority. The approved watercourse protection measures shall remain in place at all times during the construction period.
10. Prior to the commencement of site works a detailed landscaping and planting scheme shall be submitted to and approved in writing by the Council as Planning Authority. The approved planting shall be completed by the end of the first planting season following the new road being first brought into use. Any tree, shrub or plant which within a period of 5 years dies, becomes damaged or diseased shall be replaced by others of a similar size and species unless otherwise agreed in writing by the Council as Planning Authority. The completed scheme of planting shall strictly accord with the details hereby approved.
11. Prior to the commencement of site works details of road lighting along the new distributor road shall have been submitted to and approved in writing by the Council as Planning Authority. The completed development shall strictly accord with those details.

**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.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the

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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.
4. The applicant's attention is drawn to the consultation comments of SNH and in particular Annex C of that response, in relation to the notes for guidance for preparation of an Environmental Management Plan/Construction Method Statement required by condition 3 of this planning permission.

- (iv) **11/00908/FLL – ABERFELDY – Erection of bin store (in retrospect) at Breadalbane Community Campus, Crieff Road, Aberfeldy – Laing O' Rourke Scotland – Report 11/398**

**Resolved:**

**Grant** – no conditions required.

**Justification**

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

- (v) **11/00946/FLL – FOWLIS WESTER – Change of use of former village hall site to garden ground Land 20 Metres North West Of Old Inn, Fowlis Wester – Mrs Katherine Ann Cowan – Report 11/399**

**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 erection of the fence the finish shall be agreed in writing with the local Planning Authority. Thereafter the approved details/finish shall be implemented all to the satisfaction of the local Planning Authority.

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**Justification**

The proposal is considered to comply with the requirements of legislation, 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.

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