

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 9 December 2009 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, I Campbell, A Gaunt (substituting for Councillor L Caddell), C Gillies, E Grant, J Kellas, W Lumsden, M Lyle, H McDonald (up to and including Art. 625(2)(iv)) and S Miller.

In Attendance: Councillor L Simpson (Items 625(1)(i), (ii), (iii) and 625(2)(v)); N Brian, A Condliffe, B McNaughton, A Fleming, K Stirton and L Reid (all The Environment Service); Lamsden Zulu, Director of Planning, City of Choma, Zambia; J Cook (up to and including 625(1)(ii)) and G Fogg (Corporate Services); S Watson (up to and including 625(1)(ii)) and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors L Caddell and A Jack.

Councillor W Wilson, Convener, Presiding.

621. WITHDRAWAL OF APPLICATION

The Committee noted that the following application had been withdrawn from the Agenda:

09/01280/FLL – PITLOCHRY – Erection of 22 Flats at Atholl Curling Rink, Lower Oakfield, Pitlochry – Upland Developments – Report 09/592

622. DECLARATIONS OF INTEREST

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

623. MINUTES OF PREVIOUS MEETINGS

(i) Development Control Committee

The Minute of Meeting of the Development Control Committee of 18 November 2009 (Arts. 584-587) was submitted, approved as a correct record and authorised for signature.

(ii) Special Meeting of the Development Control Committee

The Minute of Special Meeting of the Development Control Committee of 24 November 2009 (Arts. 588-589) was submitted, approved as a correct record and authorised for signature, subject to it being noted that Paragraph 3 on Page 162 be amended to reflect that Mr A Pollock also answered Members' questions.

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624. DEPUTATIONS

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

Planning Application No.	Article No.
09/01311/IPM	625(1)(ii)
09/01609/FLL	625(2)(i)
08/01657/IPL	625(2)(iii)
08/01652/IPL	625(2)(iv)

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

625. PLANNING APPLICATIONS FOR DETERMINATION

(1) Major Development Applications

- (i) 08/01131/IPM – AUCHTERARDER – Residential development (in principle) on land to the south-east of Townhead, Auchterarder – Richmond Homes/Stewart Milne Group/Muir Homes Limited – Report 09/586**

Resolved:

Grant, subject to the following conditions:

1. 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; play and recreation provision; biodiversity proposals; all means of enclosure, car parking and means of access to the site; vehicle turning facilities and visibility; finishing material; levels (existing and proposed); means of foul and surface water drainage; and means of attenuation in relation to traffic noise from the A9.
2. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or

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- (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
- 3. 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.
- 4. Prior to the commencement of any development on site, the details of the trunk road related proposals and implementation programme shall be submitted for approval by the Planning Authority in accordance with the relevant Minutes of Agreement with Transport Scotland.
- 5. Prior to the occupation of any part of the development, infrastructure modifications to the A9(T) Loaninghead Interchange, generally as indicated on DBA drawing 08007/SK/03, and the closure of central reserve gaps on the A9(T) between the Loaninghead (A823) Interchange and the Aberuthven (A824) junction, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland – Trunk Road Network Management Directorate, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.
- 6. No development shall 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 house is occupied any necessary measures to remedy contaminated land shall be fully implemented as approved by the Planning Authority.
- 7. Disposal of surface water within the site shall be by means of a suitable 'Sustainable Urban Drainage System' (SUDS) to meet the requirements of best management practices to the satisfaction of the Planning Authority. In accordance with the terms of Condition 1, a drainage strategy shall be submitted for approval and shall include:
 - a) the types of measures to be used;
 - b) evidence of sub-soil porosity and suitability for use of infiltration SUDS;

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- c) pre- and post-development run-off calculations to determine the scale of SUDS required;
 - d) proposals for integrating the drainage system into the landscape or required public open space;
 - e) demonstration of good ecological practice including habitat enhancement;
 - f) estimates of land take for different drainage options based on initial calculations carried out in order to size any significant drainage structures.
8. Areas suitable for the storage of 3 x 240 litre bins shall be provided within the curtilage of each house together with a satisfactory and suitably surfaced access path to the public pavement.
 9. The submission of matters referred to in Condition 1 shall include detailed Ecological/ Biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits, use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
 10. The development shall provide adequate provision for play space in line with the Auchterarder Expansion - Townhead and North-East Development Framework document and to the satisfaction of the Planning Authority. This shall be included within the submission of the matters referred to in Condition 1.
 11. The development shall accord with the requirements of the Council's Policy on Affordable Housing.
 12. The submission of the matters referred to in Condition 1 shall include carbon emission reduction measures, including the onsite use of renewables and/or low carbon energy technologies. Each dwelling shall be constructed to achieve a minimum 'EcoHomes' (or equivalent quality assured scheme as agreed by the Council) overall 'very good' standard comprising the following minimum elements:
 - I. 'Excellent' standard in respect of energy credits
 - II. 'Excellent' standard in respect of water credit
 - III. 'Very Good' standards in respect of material credits
 13. Prior to the commencement of development the following carbon reduction details shall, together, be submitted to and approved in writing by the Council as Planning Authority:
 - a) details of a 'Design Stage' type assessment in accordance with the BREEAM Ecohomes (2006):Environmental rating for homes – Pre Assessment Estimator; and
 - b) details of how the development will reduce carbon dioxide emissions to a level 15% below the level of

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emissions that would result from the predicted total energy demand through the use of on-site sustainable energy technologies, such as renewables and/or low carbon technologies.

14. Following completion of the final dwelling within each phase, a 'Post Construction Stage' type assessment and related certification confirming the 'EcoHomes' standard that has been achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development meets the requirements of Conditions 12 and 13 (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures and technologies necessary to achieve the minimum 'EcoHomes' 'very good' standard, and to ensure that the development is 'carbon neutral', shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

The Committee unanimously further agreed to the following additional conditions:

15. Recycling facilities shall be incorporated within the details to be lodged as part of the requirements of the subsequent details submissions under Conditions 1 and 2.
16. The mini roundabout at the entrance to the site shall be formed to the satisfaction of this Planning Authority prior to the commencement of any development on this site.

Procedural Notes

Prior to the issue of consent the applicant shall enter into and conclude a Section 75 Agreement to cover the delivery of affordable housing, A9 junction improvements, provision of employment land, provision and maintenance of public open space and play areas, financial contribution towards community facilities, an annual monitoring report on house completions for school capacity evaluation and education contributions if the number of houses exceeds 800.

Justification

The proposal is considered to be fully in accordance with the Development Plan and there are no material considerations which would justify refusal of the application.

Informatives

1. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

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2. 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 (SEPA).
3. The applicant is advised that a Controlled Activities Regulations (CAR) application may be required and contact should be made with SEPA at an early date to establish the requirements for this application.
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 & 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.

(ii) 09/01311/IPM – SCONE – Erection of a class 1 foodstore (3,500 sq.m. gross) with associated landscaping, ancillary works, car parking and relocation of existing park and ride facility on land 50 metres north east of Scone Park and Ride Car Park, David Douglas Avenue, Scone – A and J Stephen Ltd – Report 09/587

Mr J Lochhead, A and J Stephen, and Mr P Rounce, GVA Grimley, both on behalf of the applicant, and Ms F Robertson, on behalf of the Scone Organisation for the Protection of the Environment (SCOPE) and Mrs Y Barr, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

In terms of Standing Order 53, Councillor L Simpson, one of the Elected Members representing Ward 2, addressed the Committee, and, following his representation, withdrew to the public gallery.

Resolved:

Grant, subject to the following conditions:

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

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- (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 submitted layout on plan 216-sk01 REVG shall be considered as indicative only and is not hereby approved.
4. The building shall be of a high standard of design and shall be set into the site to minimise visual impact and to reflect its setting on the otherwise prominent edge of the village all to the satisfaction of the Council as Planning Authority.
5. All existing trees and vegetation along the A94 boundary shall be retained where possible and shall be supplemented by additional boundary planting along the other boundaries, all to be the subject of a detailed landscape plan to be submitted and agreed prior to any work on site and shall be to the satisfaction of the Council as Planning Authority.
6. All fixed plant or equipment to be installed or operated in connection with the granting of this permission shall be so enclosed, attenuated and/or maintained such that noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 0700 and 2300 hours, or Noise Rating 25 between 2300 and 0700 hours, within any neighbouring residential premises, with windows slightly open when measured and/or calculated and plotted on an ISO rating curve chart.
7. The delivery of goods to the premises shall take place in the designated delivery yard and shall take place between 7am to 9pm Mondays to Saturdays and at no other time unless otherwise agreed in writing with the Planning Authority. The idling of delivery vehicle engines is prohibited.
8. 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 nearby residential property.
9. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no

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- direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
10. The convenience sales area of the store shall not exceed 1,764 square metres and no more than 686 square metres shall be devoted to the sale of comparison goods, unless otherwise agreed in writing all to the satisfaction of the Council as the Planning Authority.
 11. The applicant shall allocate part of the site as a waste management segregation and storage area, all to be agreed in writing to the satisfaction of the Council as Planning Authority.
 12. All matters regarding access, car parking, road layout, design and specification including the disposal of surface water by means of a suitable Sustainable Urban Drainage System to meet the requirements of best management practices, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
 13. As part of the matters referred to in Condition 2 above, full details of the phasing, operation and relocation of the Park and Ride facility shall be submitted, all to the satisfaction of the Council as Planning Authority.

The Committee unanimously further agreed to the following additional condition:

14. Vehicular access to the field to the rear of the site shall be retained and details demonstrating this shall be included as part of the details lodged in pursuance of Condition 2.

Justification

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which would justify refusal of the application.

Informatives

1. 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.
2. 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.

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An Amendment by Councillor A Gaunt to refuse the application failed to secure a seconder and the Amendment accordingly fell.

- (iii) **09/01346/FLM – KENMORE – Temporary storage of materials prior to recycling, recycling of materials and further storage prior to dispatch, extraction of sand/gravel and landfill at Kenmore Quarry, Kenmore – W B Grieve – Report 09/588**

Resolved:

Grant, subject to the following conditions:

1. Planning consent is granted for a limited period and shall expire on 30 November 2019.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Noise from any plant and machinery associated with this development shall be controlled such that it does not exceed the greater of 45dB L Aeq, 1 hour or 5dB L Aeq, 1 hour above background L A90 noise levels at any adjacent dwellinghouse when measurements and assessments are carried out in accordance with BS4142: 1997.
4. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g on an infrared signal which detects persons to the rear of the vehicle.
5. All plant and equipment shall be operated and maintained according to the manufacturers' recommendations. This shall include servicing and the provision of satisfactory exhaust systems to ensure noise is minimised. Records should be kept on site.
6. The site should only be open between 0700 hours to 1800 hours Monday to Friday, 0700 hours to 1300 hours on Saturdays and 0800 hours to 1300 hours on Sundays to the satisfaction of the Council as Planning Authority.
7. Should any aspect of the operation result in nuisance conditions, the applicant shall instigate monitoring for noise, dust etc using specialist consultants when required and provide reports to back up their investigations. Any recommendations shall be implemented as soon as practicable.
8. No blasting shall take place on the site.
9. Adequate precautions shall be taken at all stages of the development to minimise dust generation. This shall include wetting both stockpiles and roadways during dry conditions. Bowsers should be available and provided with an adequate supply of water at all times.
10. Wheel washing facilities shall be provided within the site.

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11. All existing trees on site shall be retained and protected to provide screening to the site to the satisfaction of the Council as Planning Authority.

Procedural Note

The consent shall not be issued until a restoration bond has been agreed and completed.

Justification

The applicant has been operating on site successfully since the previous planning consent was granted and has complied with all conditions of the previous consent. No objections or complaints have been received in the intervening period and as such the continuation of this use on the site is considered acceptable and in line with the Development Plan. There are no material considerations apparent which would justify a departure from the Development Plan in this instance.

Informative

The applicant should contact the Scottish Environment Protection Agency's Perth Environmental Protection and Improvement Team on 01738 627989 should they require any further information regarding licensing requirements for this use.

(2) Local Development Applications

- (i) 09/01609/FLL – SCONE – Demolition of existing tram depot building and the erection of 10 flats and associated parking at 2-8 Perth Road, Scone – Perthshire Housing Association – Report 09/593**

In accordance with Standing Order 53, Councillor L Simpson, one of the Elected Members representing Ward 2, addressed the Committee, and, following his representation, withdrew to the public gallery.

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All units shall be administered by a registered social landlord, 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 Council as Planning Authority.

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The scheme shall contain details of proposals to deal with contamination to include:

- I the nature, extent and type(s) of contamination on the site
- II measures to treat/remove contamination to ensure that the site is fit for the use proposed
- III measures to deal with contamination during construction works
- IV condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority.

5. Prior to the commencement of any works on site precise details of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority.
6. Prior to the commencement of any works on site details of the proposed bin store shall be submitted for the approval in writing by the Council as Planning Authority.
7. Prior to the commencement of any works on site precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval in writing by the Council as Planning Authority.
8. Prior to the commencement of any works on site precise details of all boundary treatments shall be submitted for the approval in writing by the Council as Planning Authority.

Justification

The application is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

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 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.
3. 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.

4. 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.

(ii) 08/01135/FLL – MEIGLE – Erection of Two Dwellinghouses at Arthurstone House, Meigle – Eshton Hall Developments Limited – Report 09/589

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All trees and hedges shall be retained and protected during the course of construction by stout fencing, to the satisfaction of the Council as Planning Authority.
4. The yew hedge on the eastern boundary shall be retained at a high of 7 metres, and cut back to 3 metres from the boundary with the listed wall, to the satisfaction of the Council as Planning Authority.
5. Prior to the commencement of any works on site a detailed planting and landscaping scheme shall be submitted for the approval in writing by the Council as Planning Authority, including an accurate representation of the width (and proposed widths) of the Yew Hedge. The approved scheme shall be implemented in full, with replanting occurring as necessary, to the satisfaction of the Council as Planning Authority.
6. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
7. Prior to the occupation of either dwellinghouse the 'private' access serving the Arthurstone House development over a length of 6 metres immediately adjacent to the new access to the site shall be widened to a minimum of 4.8 metres. The widening shall be provided with a bituminously bound surface and constructed to the satisfaction of the Council as Planning Authority.

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8. 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.
9. A minimum of 2 No. Car parking spaces shall be provided for each dwellinghouse, to the satisfaction of the Council as Planning Authority.
10. Prior to the commencement of any works on site precise details (including section details) of the access cut shall be submitted for the approval in writing by the Council as Planning Authority.
11. Prior to the commencement of any works on site precise details of all the external finishes shall be submitted for the approval in writing by the Council as Planning Authority.
12. The roof finishes of all buildings shall be natural slate, to the satisfaction of the Council as Planning Authority.
13. All windows shall be timber sash and case, to the satisfaction of the Council as Planning Authority.

Justification

The proposal accords with the Development Plan and the Housing in the Countryside Policy 2005 and there are no material reasons to merit a refusal.

Informatives

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. No work shall take place on the listed dwarf wall until Listed Building Consent has been granted.
3. 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.
4. 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.
5. The Council can give no guarantees that any primary school age children generated from this development can be accommodated at the local primary school.

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(iii) 08/01657/IPL – BLAIRGOWRIE – Erection of tennis courts and club house at the JJ Coupar Recreation Park, Coupar Angus Road, Blairgowrie – Blairgowrie Tennis Club Ltd – Report 09/590

Mrs S Whiteford, on behalf of the applicant, and Mrs A Stewart, 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, Councillor C Shiers, one of the Elected Members representing Ward 3, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and also subject to Condition 7 being amended from that detailed in Report 09/590 to read as below:

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Sections 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 proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
4. The layout submitted is not approved.
5. The clubhouse/pavilion shall be single storey in appearance, to the satisfaction of the Council as Planning Authority.

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6. No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the Perth and Kinross Heritage Trust.
7. A close boarded timber fence constructed of double skinned 25mm thick boards (as specified in the NIA report No 09/1628, dated 9 October 2009 by IW Kellie) shall be erected along the southern and eastern boundaries of the site. The fence shall not be less than three metres in height and shall obscure direct line of sight from the ground floor windows of the existing residential properties to the south and east, all to the satisfaction of the Council as Planning Authority.
8. The hours of operation of the tennis courts and 'hitting wall' shall be 0900 hours to 2200 hours daily, unless otherwise agreed in writing by the Council as Planning Authority.
9. All lighting shall be sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land, and to ensure that light spillage beyond the boundaries is minimised, all to the satisfaction of the Council as Planning Authority.
10. All plant equipment including any ventilation systems, shall be so enclosed, attenuated and/or maintained such that any noise arising shall not exceed International Standards Organisation (ISO) Noise rating 35 between 0700 and 2300 hours, or noise rating 20 between 2300 and 0700 hours daily, within nearby residential properties with all windows slightly open when measured and/or calculated and plotted on an ISO rating curve chart, all to the satisfaction of the Council as Planning Authority.
11. The soundproofing of the clubhouse and the control of all amplified sound shall be such that no amplified or otherwise sound is audible in any nearby residential properties, to the satisfaction of the Council as Planning Authority.
12. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained within the clubhouse such that cooking odours are not exhausted into or

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escape into any neighbouring residential property, all to the satisfaction of the Council as Planning Authority.

Justification

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

(iv) 08/01652/IPL – BLAIRGOWRIE – Residential development at the Blairgowrie Tennis Club, Coupar Angus Road, Blairgowrie – Blairgowrie Tennis Club Ltd – Report 09/591

The Committee, having previously heard Mrs S Whiteford, on behalf of the applicant, **Resolved:**

Grant, subject to the following conditions and also subject to Condition 3 being amended from that detailed in Report 09/591 to read as follows:

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design 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. Prior to the commencement of any works on site, the relocation of the existing tennis club facilities at the JJ Coupar Recreation Ground must have been completed and the new courts available for public use, to the satisfaction of the Council as Planning Authority.
4. The layout and number of units are not approved.
5. The proposal must comply fully with the requirements of the Council's approved Affordable Housing Policy 2005.
6. The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary School Education and New Housing Developments (6 May 2009).

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7. All trees which surround the site shall be retained, and adequately protected by stout fencing during the course of construction to the satisfaction of the Council as Planning Authority.
8. No development shall take place within the root protection areas of any tree, to the satisfaction of the Council as Planning Authority.
9. 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 Council as Planning Authority.

Justification

It is considered that the proposal is contrary to the Development Plan. However, by providing improved tennis facilities for the residents of Blairgowrie, a Development Plan departure is justified.

COUNCILLOR H MCDONALD LEFT THE MEETING AT THIS POINT.

- (v) **09/01643/FLL – PITLOCHRY – Modification to previous consent (08/00344/MOD) for conversion of 2 maisonettes into 4 affordable flats to provide a total of 20 flats all for affordable housing at The Old Farmhouse Restaurant, Rie-Achan Road Pitlochry – Perthshire Housing Association – Report 09/594**

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. The vehicular access shall be formed in accordance with specification Type B, Fig 5.6, access detail to the satisfaction of the Planning Authority.
4. Full visibility splays of 2 metres by 60 metres shall be provided to the right and left of the access measured between points 1 metre above the adjacent road channel level.
5. A clear 17 metres forward visibility sight line shall be provided across the road junction at the south east corner of the building to the satisfaction of the Planning Authority.
6. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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7. A minimum of 16 No. car parking spaces shall be provided within the site.
8. A secure waterproof cycle parking facility for a minimum of six cycles shall be provided within the site to the satisfaction of the Planning Authority.
9. All 20 flats shall be for the purposes of affordable housing as defined in the Council's "Affordable Housing Policy 2005" to the satisfaction of the Council as Planning Authority.
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 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.

Justification

This application is approved as the increase in units to a total of 20 is considered appropriate and in line with Development Plan Policy. There are no material considerations apparent which would justify a departure from the Development Plan in this instance.

Informatives

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

(3) Perth and Kinross Council Applications

- (i) 09/01402/FLL – PERTH – Construction of Sustainable Urban Drainage Systems (SUDS) Pond at Golf Course, North Inch, Hay Street, Perth – Perthshire Housing Association – Report 09/595**

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 accompanying approved plans unless provided for by conditions imposed on the planning consent.
3. No development shall commence until a Construction Method Statement, including measures to ensure that sediment, fuel and chemicals do not enter the River Tay, has been submitted to and approved by the Planning Authority. Thereafter the approved statement shall be implemented to the Authority's satisfaction.
4. The landscaping details shown on drawings L1E and P1 shall be implemented concurrently with progress of works and thereafter all planted areas within the site shall be maintained to the satisfaction of the Planning Authority.

Justification

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

- (ii) 09/01584/FLL – ALYTH – Change of use of agricultural land to form extension to existing cemetery at Alyth Cemetery, Alyth – Perth and Kinross Council – Report 09/596**

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 accompanying approved plans unless provided for by conditions imposed on the planning consent.

Justification

The proposal accords with the Development Plan and there are no material reasons to merit a refusal.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person

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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.

(iii) 09/01680/FLL – PERTH – Alteration and extension to house at 3 Rannoch Road, Perth – Perth and Kinross Council – Report 09/597

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Justification

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

(iv) 09/01828/FLL – CRIEFF – Variation of condition 2 of existing planning consent (06/01420/FUL) for change to elevational treatments at Crieff High School, Crieff – Laing O’Rourke Scotland – Report 09/598

Resolved:

Grant, subject to the following condition:

The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Justification

The proposal is considered to comply with the terms of the Development Plan, and no material considerations exist which would outweigh the contents of the Development Plan.

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