

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 1 August 2007 at 9.30am.

Present: Councillors M Barnacle, I Campbell, E Grant, E Howie, A Jack (excluding Arts. 448(4) and (5)), J Kellas, W Lumsden, K Lyall, M Lyle, A MacLellan (excluding Art. 449(6)), H McDonald and W Wilson.

In Attendance: Councillors A Gaunt and J Law (up to and including Art. 448(3)), A Condliffe, B Stanford, G McFarlane, B McNaughton (up to and including Art. 449(5)), P Sweeney, A Fleming, and M Watson (from Art. 449(6)) (all The Environment Service); Y Oliver, A Brown and L Robb (all Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

444. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn by the applicant:

07/00091/FUL – KINLOCH – Erection of 2 dwellinghouses on land at Balcairn, Kinloch – Mr G Burke – Report 07/487

445. DECLARATIONS OF INTEREST

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

446. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 27 June 2007 (Arts. 379-385) was submitted, approved as a correct record and authorised for signature.

447. 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.
06/01059/FUL	448(1)
06/01975/FUL	448(2)
06/02745/FUL	448(3)
06/02629/FUL	448(5)
05/02399/FUL	448(6)
06/02241/FUL	449(1)
04/02581/FUL	449(2)
06/02744/FUL	449(5)
06/02762/OUT	449(6)
07/00730/OUT	449(8)

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

448. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

(1) **06/01059/FUL – BANKFOOT – Erection of dwellinghouse and garage at gap site at Perth Road, Bankfoot – R Reid– Report 07/475**

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

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

1. **The site lies within a flood risk area and approval would therefore be contrary to Environment and Resources Policy 9 of the Perth and Kinross Structure Plan 2003 and Scottish Planning Policy 7.**
2. **The public drainage system serving Bankfoot is currently operating at full capacity and approval would therefore be contrary to Policy 1 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.**
3. **The site adjoins the defined village boundary for Bankfoot and approval would therefore be contrary to Policy 2 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.**
4. **Approval would be contrary to the Council's December 2005 Policy on Housing in the Countryside which requires that the development should not conflict with any other Local Plan policy.**

Amendment (Councillors E Howie and W Lumsden) – Defer, to enable the further submission of information from SEPA on the flood risk assessment.

Amendment – 5 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

(2) **06/01975/FUL – ABERUTHVEN – Erection of 24 dwellinghouses at land to the east of Hall Road, Aberuthven – Hillcrest Housing Ltd – Report 07/476**

B Stanford, Planning Officer, advised the Committee that there had been a number of late objections received but no new issues had been raised. He also proposed that, should the application be granted, an additional condition be inserted having the effect of moving Blocks 1-6 two metres to the south. He also pointed out that, with reference to paragraph 1 in report 07/476, the word "public" where it was contained within the sixth line should be replaced by the word "consultation".

Mr Coutts, on behalf of the applicant, followed by Ms Clark and Mrs Bell, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor A Gaunt, one of the Local Members, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Refuse, on the grounds that:

1. the layout and design of the application is detrimental to the adjoining properties; and
2. there is a lack of amenity within the application site.

(3) 06/02745/FUL – ABERUTHVEN – Erection of 27 detached dwellinghouses with garages and associated works at land at Graemeslea, Main Road, Aberuthven – Redrow Homes (Scotland) Ltd – Report 07/477

Mr Dunne, on behalf of the applicant, followed by Ms Clark, an objector, Mrs Bell, qualified supporter and Mr Newhall, an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and K Lyall) – Defer, to enable further consultation with the applicants in connection with the following:

- 1. location and design of play area;**
- 2. orientation and lowering of height of plots 16, 17 and 18;**
- 3. line of the path on the southern boundary of the site to Hall Road;**
- 4. provision of safety fencing on the burn side; and**
- 5. proposals for compliance with the Council's Policy on Affordable Housing.**

Amendment (Councillors A Jack and H McDonald) – Refuse, on the grounds of:

1. design and layout;
2. education capacity; and
3. lack of amenity.

Amendment – 3 votes

Motion – 9 votes

Resolved:

In accordance with the Motion.

THE COMMITTEE ADJOURNED FOR 10 MINUTES

COUNCILLOR A JACK LEFT THE MEETING AT THIS POINT.

THE COMMITTEE RECONVENED

(4) 06/02549/FUL – BRIDGE OF EARN – Demolition of existing dwellinghouse and replace with new dwellinghouse at Eastfield of Dunbarney, Bridge of Earn – Mr and Mrs Hall – Report 07/478

Motion (Councillors W Lumsden and J Kellas) – Grant, subject to conditions contained in report 07/478.

Amendment (Councillors W Wilson and H McDonald) – Refuse, on the grounds that the design is not in keeping with the adjacent farm steading buildings.

Amendment – 9 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

(5) 06/02629/FUL – PITLOCHRY – Erection of 3 dwellinghouses at former swimming pool, Croftinloan School, Pitlochry – Report 07/479

A Condliffe, Planning Officer, advised the Committee that, with regard to the summary paragraph in report 07/479, the word “approved” where it was contained on the second line, should be replaced with the words “minded to grant”.

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

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 93 Open Space and Recreation of the Highland Area Local Plan (2000) in that the proposal erodes the area of open space.
2. The proposal is contrary to Policy 5 Design of the Highland Area Local Plan as the design of the houses does not pay sufficient heed to the important landscape setting of the site.

COUNCILLOR A JACK ENTERED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

(6) 05/02399/FUL – KENMORE – Alterations and conversion of existing ancillary estates building into a retail development with restaurant/bar facilities and residential accommodation at The Gasworks, Kenmore – Hotels International Ltd – Report 07/480

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

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Unless otherwise agreed in writing, all proposed external finishing materials including mortar mixes and rain water goods shall match those of the existing building in type, colour and texture, to the satisfaction of the Planning Authority.
4. The metal sheeting and timber cladding are not approved and shall be submitted in sample form for the further written approval of the Council as Planning Authority.
5. Appropriate "conservation" velux rooflights and associated flashings shall be used in the development to the satisfaction of the Council as Planning Authority.
6. Unless otherwise agreed in writing, the occupation of the residential flats shall be restricted to workers associated with the development to the satisfaction of the Council as Planning Authority.
7. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken, shall be installed, operated and maintained in such a way that cooking odours from the business are not exhausted into or escape into any neighbouring property, to the satisfaction of the Council as Planning Authority.
8. Sound and vibration from the operation of any plant or equipment including any ventilation system associated with the operation of the business shall be controlled such that they are not perceptible in any neighbouring property.
9. The development shall not start on site until a scheme to deal with the contamination of the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 1. The nature, extent and type(s) of contamination on the site.
 2. Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 3. Measures to deal with contamination during construction work.
 4. Condition on site upon completion of decontamination measures.The subsequently approved decontamination measures shall be fully implemented before any residential unit is occupied.
10. Full details of the specification, position and direction of internal and external lighting proposed for the development shall be forwarded for the written

approval of the Council as Planning Authority prior to the commencement of work on site.

11. 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.
12. Unless otherwise agreed in writing, all existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority. Full details of new planting proposals and the methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
13. Full details of the bin storage area, deliveries and uplift arrangements shall be forwarded for the written approval of the Council as Planning Authority prior to the occupation of the units hereby approved.
14. The Cast Iron brattishing which used to ornament the top of the stack should be reinstated to its original pattern to the satisfaction of the Council as Planning Authority prior to the completion of the works.
15. Prior to the commencement of works on site, a full photographic record of the gasworks should be made and deposited with the Royal Commission to the satisfaction of the Council as Planning Authority.
16. The development hereby approved for the Gasworks shall not commence operation, until such times as the associated car parking proposal (06/02241/FUL) has been implemented to the satisfaction of the Council as Planning Authority.

449. PLANNING APPLICATIONS FOR DETERMINATION

(1) 06/02241/FUL – KENMORE – Formation of vehicular access and car parking facilities in connection with anticipated retail development on land to the northwest of The Gasworks, Taymouth Estate, Kenmore – Hotels International Ltd – Report 07/481

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

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Unless otherwise agreed, only those trees subject of the engineering works identified on the plans hereby approved shall be removed from the site. All other trees and shrubs shall be protected throughout the course of the works to the satisfaction of the Council as Planning Authority.
4. The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
5. The vehicular access shall be formed direct from the U177 public road.
6. The vehicular access shall be formed in accordance with specification Type C, Fig 5.7, access detail to the satisfaction of the Planning Authority.
7. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
8. Full visibility splays of 3m by 40m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.
9. A 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided on the site frontage of the U177 and implemented prior to the occupation of the car park.

10. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
11. A minimum of 19 No. car parking spaces shall be provided within the site.

The Committee unanimously agreed that the following additional condition be inserted:

Amend the configuration of the access road to the satisfaction of the Planning Authority, to allow for provision of recycling facilities.

(2) 04/02581/FUL – GREENLOANING – Erection of 15 dwellinghouses and conversion to form 6 dwellinghouses, garages, access roads and ancillary works at Rottearns Mill, Greenloaning – J Blair – Report 07/482

Mrs A Condliffe, Planning Officer, advised the Committee that a further five letters of representation had been received. She also advised that the drainage arrangements for the site had now been resolved.

Mr A Pryor, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Defer, to allow further consultation with the applicants in connection with the following:

1. Re-address the issue of affordable housing, with emphasis of on-site provision;
2. Density and layout;
3. Concern at performance of existing drainage;
4. Access arrangements; and
5. Education capacity.

A Motion by Councillor K Lyall to grant the application in accordance with the conditions detailed in report 07/482, failed to secure a seconder and the Motion accordingly fell.

(3) 06/01015/OUT – KINROSS – Erection of dwellinghouse (in outline) at land at Burnbrae Farm, Kinross – John H Russell – Report 07/483

B Stanford, Planning Officer, advised the Committee that, in connection with the proximity of the pipeline, a letter had been received from BP Expo advising that they had no objection to the application. He also advised that a letter of objection had been received from the Architectural Heritage of Scotland.

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, 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 shall be as approved by the Planning Authority.
2. 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 3 years from the date of the grant of outline planning permission.
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:

- (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. All existing trees on the site shall be retained and their retention shall be shown in the submission of the reserved matters referred to in Condition No 1.
 5. The vehicular access shall be formed in accordance with the Council's Roads Development Guide Type B Figure 5.6 access detail to the satisfaction of the Council as Planning Authority.
 6. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.
 7. Two off-street car parking spaces shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling.
 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. The final levels of the dwelling (s) must take full account of the flood risk associated with the existing water course which is in close proximity to the site.
 10. The indicative layout and design is not approved. The proposed dwellinghouse shall be single storey in design and reflect the traditional rural character of the surrounding area.

(4) 06/01622/OUT – BLAIRINGONE – Erection of dwellinghouse (in outline) at land to the rear of Vicars Bridge Road, Blairingone – Mr and Mrs Wardrope – Report 07/484

Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, 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 shall be as approved by the Planning Authority.
2. 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 3 years from the date of the grant of outline planning permission.
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;
 whichever is the latest.
3. The development to which this permission relates must be begun not later than:-
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. The dwellinghouse shall be single storey in appearance.
5. 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 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.

6. The vehicular access shall be formed in accordance with the Council's Roads Development Guide Type B Figure 5.6 access detail to the satisfaction of the Council as Planning Authority.
7. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.
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. Two off-street car parking spaces shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling.
10. The site shall be served by the existing private access which shall be provided with a bituminously bound surface to the satisfaction of the Planning Authority.
11. The indicative layout is not approved by this consent.

(5) 06/02744/FUL – AUCHTERARDER – Demolition of existing workshop and erection of dwellinghouse at Bankhead, Auchterarder – Mr and Mrs E Fraser – Report 07/485

Mrs T Fraser, the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Motion (Councillors K Lyall and A MacLellan) – Grant, subject to conditions to be approved by the Development Quality Manager.

Amendment (Councillors W Wilson and E Grant) – Defer, for further consideration of the building group and the amenity of the adjacent house.

Amendment – 6 votes

Motion – 6 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Amendment.

Resolved:

In accordance with the Amendment.

COUNCILLOR A MACLELLAN LEFT THE MEETING.

THE COMMITTEE ADJOURNED FOR LUNCH.

THE COMMITTEE RECONVENED

COUNCILLOR A MACLELLAN ENTERED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

(6) 06/02762/OUT – KINROSS – Erection of 12 affordable dwellinghouses and formation of 3 house plots (in outline) at land north west of Hatchbank Farm, Kinross – Mr G Muirhead – Report 07/486

B Stanford, Planning Officer, advised the Committee that there had been a late objection received from Kinross Civic Trust.

Mr J Drummond and Ms F Crawford, objectors to the application, addressed the Committee, and, following their representation, withdrew to the public benches.

Motion (Councillors M Barnacle and E Grant) – Refuse, on the grounds that:

1. the application is contrary to Local Plan Policy 2; and
2. the application is contrary to the Housing in the Countryside Policy.

Amendment (Councillors A Jack and K Lyall) – Grant, subject to the conditions contained in report 07/486 with the exclusion of condition 11, referring to street lighting.

Amendment – 5 votes

Motion – 6 votes

Resolved:

In accordance with the Motion.

(7) 07/00529/FUL – BLAIRINGONE – Change of house type, 3 Tethyknowe Steading, Blairingone – Mr and Mrs McArthur– Report 07/488

B Stanford, Planning Officer, advised the Committee that the previous issue with regard to landscaping had now been resolved.

Motion (Councillors M Barnacle and A MacLellan) – Defer, to enable a clearer report to be prepared with regard to the plot numbers concerned with the application.

Amendment (Councillors W Wilson and M Lyle) – Grant, subject to the following conditions:

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

Amendment – 10 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

(8) 07/00730/OUT – MURTHLY – Erection of a single storey restaurant for 45 covers and bar, with external dining, smoking and child play area (in outline) at land at south east corner, Station Road, Murthly – Dunvorist Investments Ltd – Report 07/489

A Condliffe, Planning Officer, advised the Committee that a further letter had been received from Spittalfield Community Council. She also advised the Committee that comments had been received from Kinclaven Community Council.

Mr McKenzie, on behalf of the applicant, followed by Mr Dalziel, Mr Notley and Mr MacLennan, all objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor B Vaughan, one of the Local Members, addressed the Committee, and, following her representation, withdrew to the public benches.

Motion (Councillors W Wilson and J Kellas) – Grant, subject to the conditions contained in report 07/489 with condition 10 being amended to read “an operational plan, subject to the satisfaction of the Planning Authority, for all external areas to minimise potential noise” and condition 11 being amended to read “the hours of use for all external areas shall be restricted from 1000 hours to 2200 hours daily”.

Amendment (Councillors A MacLellan and A Jack) – Refuse, on the grounds of unsuitable location due to:

- 1. flooding;**
- 2. traffic safety; and**
- 3. adverse effect on the amenity of neighbouring residents.**

Amendment – 6 votes

Motion – 6 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Amendment.

Resolved:

In accordance with the Amendment.

COUNCILLOR J KELLAS LEFT THE MEETING AT THIS POINT.

(9) 07/00913/FUL – MILNATHORT – Change of use from hotel/bar to 2 flats and alterations to existing 1st floor dwelling and ground floor cellars/stores to form 2 dwellings in courtyard at Royal Hotel, 10 South Street, Milnathort – Mr and Mrs Shanks – Report 07/490

Mr B Stanford, Planning Officer, advised the Committee that the Community Council had objected due to the loss of a community facility.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
4. Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or theft during the building work. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council.
5. Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details, i.e. detailed drawings and information to show detailed design, materials and method of opening of proposed new windows and doors.
6. All new partitions shall be scribed around the existing ornamental mouldings.
7. No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

(10) 07/01053/TD – BLAIRGOWRIE – Erection of a telecommunications radio base station including ancillary cabinet and slimline column at footpath to the east of Douglas Road, Blairgowrie – O2 (UK) Ltd – Report 07/491

Mrs A Condliffe, Planning Officer, advised the Committee that one further letter had been received from a local resident. She further advised the Committee that the Community Council had expressed concern with regards to various issues.

Resolved:

Defer, to allow the applicants to further consider mast sharing, in particular with the adjacent sports ground.

- (11) **07/01124/FUL – BLAIRGOWRIE – Conversion of Broomfield House into five apartments and conversion of the Coachhouse into one dwellinghouse at Broomfield House and Broomfield Cottage, Golf Course Road, Blairgowrie – Zebrano Limited – Report 07/492**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
4. 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.
5. Two parking spaces shall be provided and retained in use as such, to the satisfaction of the Council as Planning Authority.
6. A secure waterproof cycle parking facility for a minimum of six cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

The Committee unanimously agreed to add the following further condition:

A Section 75 agreement of a contribution with regard to affordable housing be agreed prior to the issuing of consent.