

## DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 20 January 2010 at 1.00pm.

Present: Councillors W Wilson, K Lyall (with the exception of Art. 15(2)(iv)), R Band, P Barrett (substituting for Councillor L Caddell), I Campbell, C Gillies, E Grant (up to and including Art. 15(1)(ii)), J Kellas, M Lyle, H McDonald and S Miller.

In Attendance: N Brian, A Condliffe, J Corey, J Ferguson, B Fiskin, A Fleming, R Haworth, B McNaughton, K Stirton and J Thomson (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors L Caddell, A Jack and W Lumsden.

Councillor W Wilson, Convener, Presiding.

Prior to the commencement of business, the Convener congratulated Councillor H McDonald on being awarded the MBE in the Queen's New Year Honours List.

### 12. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor K Lyall declared a financial interest in Art. 15(2)(iv).

### 13. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 9 December 2009 (Arts. 621-625/09) was submitted, approved as a correct record and authorised for signature.

### 14. DEPUTATIONS

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

Planning Application No.	Article No.
09/01691/AMM	15(1)(i)
09/01695/LBC	15(1)(ii)
09/01556/FLL	15(2)(iv)

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

## 15. PLANNING APPLICATIONS FOR DETERMINATION

### (1) Major Development Applications

- (i) **09/01691/AMM – PERTH – Erection of new mental health facility to replace existing hospital at Murray Royal Hospital, Perth (Approval of matters specified in conditions attached to the outline planning consent 08/02078/OUT) – Morgan Ashurst Plc – Report 10/5**

N Brian, Development Quality Manager, advised the Committee that, was it minded to grant the application, he requested that Conditions 5 and 7 be amended and an additional Condition 19 be added.

Mr D Barbour, agent on behalf of the applicant, Dr T Myers, supporter of the application and Mr B Raine, Bridgend, Gannochy and Kinnoull Community Council, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

#### **Resolved:**

**Grant**, subject to the following conditions, with Conditions 5 and 7 being amended to read as undernoted, and additional Conditions 19 and 20:

1. The development shall be begun no later than two years from the date of this consent or five years from the date of the outline consent, whichever is the later.
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. A scheme to deal with contamination on the site shall be submitted to and approved in writing by the Planning Authority within three months from the date of the consent, unless otherwise agreed in writing by the Council. The scheme shall contain details of proposals to detail with 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 works
  - 4) condition of the site on completion of decontamination measures.Prior to the use of any of the buildings commencing, the measures to decontaminate the site as approved by the Council as Planning Authority shall be fully implemented.
4. A Traffic Management Plan, relating to construction traffic and site servicing traffic, shall be lodged within three

months of the date of consent (unless otherwise agreed in writing by the Council as Planning Authority) for the prior approval in writing by the Council as Planning Authority.

5. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
6. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any nearby dwellings.
7. No part of the development shall be occupied until a Travel Plan Framework (TPF), aimed at encouraging more sustainable means of travel, has been submitted and approved in writing by the Council. The TPF will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the Plan.
8. The Public Right of Way (CC39/28) must be diverted along the north eastern boundary of the application site prior to the commencement of the development, and a new path formed to the satisfaction of the Council as Planning Authority. Precise details of the new path shall be submitted for the approval in writing by the Council as Planning Authority within three months of the date of the decision, unless otherwise agreed in writing by the Council as Planning Authority.
9. All trees which are shown as being retained in the plans accompanying the application shall be adequately protected by stout fencing during the course of construction, to the satisfaction of the Council as Planning Authority.
10. Prior to any buildings being demolished or trees removed, a bat survey of the Murray Royal site shall be carried out by a suitability qualified consultant. The recommendations of the survey must be fully complied with, to the satisfaction of the Council as Planning Authority.
11. Within three months from the date of the decision precise details and samples of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.

12. The demolition of the two villas (Elcho and Birnam) is not approved.
13. Within three months from the date of decision, revised plans showing the retention of the two villas (Elcho and Birnam) shall be submitted for approval in writing by the Council as Planning Authority.
14. Within six months from the date of decision, a detailed landscaping and planting scheme shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full and thereafter retained in perpetuity, all to the satisfaction of the Council as Planning Authority.
15. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices. Precise details of the final surface water drainage system shall be submitted for the approval in writing by the Council as Planning Authority (in consultation with the Scottish Environment Protection Agency (SEPA)) within six months of the date of the decision.
16. Prior to any building being occupied, all matters regarding access, car parking and public transport facilities shall be in accordance with the requirements of the Council as Roads Authority, and to the satisfaction of the Council as Planning Authority.
17. Within six months of the date of the decision, precise details (including timing) of the proposed improvements to the junction of Lochie Brae/Gannochy Road/Muirhall Road shall be submitted for the approval in writing by the Council as Planning Authority. The approved improvements must be fully implemented prior to the occupation of any building, to the satisfaction of the Council as Planning Authority.
18. The new priority junction arrangement shall be formed as per drawing No 60046519\_M001.010\_701 (dated 7.8.08), to the satisfaction of the Council as Planning Authority.
19. Prior to the commencement of any works on site, precise details (location, size and timetable for removal) of all proposed site compounds and/or temporary structures which are required during the construction phase, shall be submitted for the approval in writing by the Council as Planning Authority.
20. Prior to any development starting on site the applicant shall submit proposals for the provision of a footway on the south side of Muirhall Road, the details and extent of which shall be agreed with the Council as Roads Authority, to the satisfaction of the Planning Authority, prior to the commencement of works on site and implemented prior to occupation. The proposals shall include full details of the routing, specification and

phasing of the footway and development on site shall not commence until these details have been agreed in writing by this Planning Authority.

**Justification**

The details submitted are regarded as being in accordance with the terms of the outline consent and in accordance with the Development Plan.

**Informative**

The applicant is requested to undertake a review in consultation with the neighbouring land owners and the Planning Authority of the options for provision of screening against the impact of headlights, opposite the proposed vehicular access off Muirhall Road.

**(ii) 09/01695/LBC – PERTH – Demolition of existing listed villa buildings (Elcho and Birnam Wards) at Murray Royal Hospital, Perth – Morgan Ashurst Plc – Report 10/6**

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

Motion (Councillors W Wilson and C Gillies) – Refuse, for the reasons contained in Report 10/6.

**Amendment (Councillors K Lyall and E Grant) – Grant permission for the demolition of the two listed villa buildings, on the grounds that demolition would open up the aspects of the chapel, enhance the overall amenity of the development and that there was no proven need for the buildings to be retained.**

Amendment – 6 votes

Motion – 5 votes

**Resolved:**

In accordance with the Amendment.

**Procedural Note**

Consent shall not be issued until such time as the decision has been formally ratified by Historic Scotland.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RE-CONVENED.

COUNCILLOR E GRANT LEFT THE MEETING AT THIS POINT.

**(2) Local Development Applications**

- (i) 09/00749/FLL – AUCHTERARDER – Refurbishment of internal layout and alterations at Aytoun Hall, 91-93 High Street, Auchterarder – Perth and Kinross Council – Report 10/7**

**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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. The external surfaces (slate) shall not be constructed other than in materials/details/samples which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Planning Authority.

**Justification**

The development complies with the adopted Development Plan.

- (ii) 09/00755/LBC – AUCHTERARDER – Refurbishment of internal layout and alterations at Aytoun Hall, 91-93 High Street, Auchterarder – Perth and Kinross Council – Report 10/8**

**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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Precautions shall be taken to secure and protect the interior features of Aytoun Hall and the Giral House 91-93 High Street, Auchterarder, 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 as Planning Authority. Particular regard should be given to the doors, ornamental mouldings, the bronze relief and fireplaces.

4. All new partitions and openings shall be scribed around the existing ornamental mouldings all to the reasonable satisfaction of the Planning Authority.
5. The external surfaces (slate, doors and windows) shall not be constructed other than in materials/details/samples/colours which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Planning Authority.
6. Prior to the commencement of development further details on the proposed stair lift shall be submitted to and approved in writing by the Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Planning Authority.

**Procedural Note**

Consent shall not be issued until such time as the decision has been formally ratified by Historic Scotland.

**Justification**

The development complies with the listed building legislation and Policy 27 of the adopted Strathearn Area Local Plan.

**(iii) 09/01462/LBC – DUNKELD – General re-pointing and repairs at Dunkeld Bridge, over River Tay, Dunkeld – Perth and Kinross Council – Report 10/9**

**Resolved:**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. No alterations or amendments shall be made to the details contained in the approved plans and method statement unless so indicated by conditions attached to this consent or agreed in writing with the Scottish Ministers.
3. Precise details of the individual stones intended to be indented shall be provided, indicated on a drawing and accompanied by referenced photographs, for the written approval of Scottish Ministers, before the commencement of works.
4. Any proposed replacement stone should match that existing as closely as possible, including physical characteristics, visual appearance, weathering performance and finishing/tooling. Analytic evidence to demonstrate this should be provided, and samples of the selected stone should be made available on site, all for the approval of Scottish Ministers, before the commencement of works.

5. Pointing and other mortar work shall be carried out using a lime mortar specification based as closely as possible on an analysis of the existing historic mortar.
6. A method statement for the removal of the gunite skin shall be provided for the written approval of Scottish Ministers, prior to the commencement of works.

#### **Procedural Notes**

Consent shall not be issued until such time as the decision has been formally ratified by Historic Scotland.

#### **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.

HAVING DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEM, COUNCILLOR K LYALL LEFT THE MEETING AT THIS POINT.

**(iv) 09/01556/FLL – KILLIECRANKIE – Installation of a bungee jump platform and spectator platform at Garry Bridge, by Killiecrankie – Highland Fling – Report 10/10**

Mr M Traill, applicant, Mr G Ogg and Mr D Scott, agent on behalf of the applicant, and Dr R Campbell, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and C Gillies) – Grant, subject to the conditions contained in Report 10/10 and the following additional conditions:

10. Details of any hand rails or other means of enclosure for the spectator pads and works required for pedestrian access to the pads shall be submitted for the prior approval in writing of this Planning Authority.
11. All works shall be removed and the site fully reinstated within two months of the use of the site for bungee jumping ceasing.
12. Prior to the commencement of the development on site the applicant shall submit full details of any informative and directional signage together with supporting leaflets aimed at directing customers and spectators to the correct parking and pedestrian areas. The details as agreed in writing by this Planning Authority shall be fully implemented prior to the commencement of any operations on site.
13. The use of the bridge for jumping hereby approved shall not commence before 10.00am on any day and shall only operate during daylight hours with the exception of three days per calendar month when night time jumping will be

permitted. The applicant shall notify the Planning Authority of any proposed dates for night time jumping.

**Amendment (Councillors I Campbell and R Band) – Grant, subject to the following conditions 1 to 9 and the additional conditions 10 to 13:**

- 1. The development shall begin 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 herewith, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. Prior to the occupation or use of the proposed development all matters regarding pedestrian access to the site from the B8019 public road shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.**
- 4. The developer shall agree the details of the jumping platform and the method of fixing to the bridge structure prior to commencement of any work on site to the requirements of the Council as Roads Authority and to the satisfaction of the Council as Planning Authority**
- 5. The developer shall agree a satisfactory means of pedestrian access to the inspection gantry from ground level to meet the requirements of the Council as Roads Authority to the satisfaction of the Council as Planning Authority.**
- 6. All existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority. Details of the proposed methods of protection during construction operations shall be in compliance with BS 5837 and shall be submitted for the approval of the Planning Authority prior to the commencement of the development unless otherwise agreed in writing with the Council as Planning Authority.**
- 7. The proposed core path shown in PURPLE on plan ref 09/01556/14 must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the works are completed. On completion of works the path to the spectator pads shall be improved and maintained in perpetuity to the satisfaction of the Council as Planning Authority.**
- 8. During construction and installation of the viewing area there shall be no egress on to the Pass of Killiecrankie Site of Special Scientific Interest (SSSI), including no vehicular access, as well as the storage**

- of building and waste materials to the satisfaction of the Council as Planning Authority.
9. Details of the specification and colour of the proposed jump platform shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The details as approved shall be implemented prior to the occupation and/or use of the development.
  10. Details of any hand rails or other means of enclosure for the spectator pads and works required for pedestrian access to the pads shall be submitted for the prior approval in writing of this Planning Authority.
  11. All works shall be removed and the site fully reinstated within two months of the use of the site for bungee jumping ceasing.
  12. Prior to the commencement of the development on site the applicant shall submit full details of any informative and directional signage together with supporting leaflets aimed at directing customers and spectators to the correct parking and pedestrian areas. The details as agreed in writing by this Planning Authority shall be fully implemented prior to the commencement of any operations on site.
  13. The use of the bridge for jumping hereby approved shall not commence before 10.00am on any day and shall only operate during daylight hours with the exception of three days per lunar month when night time jumping will be permitted. The applicant shall notify the Planning Authority of any proposed dates for night time jumping.

#### **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.

#### **Informative**

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.

Amendment – 7 votes

Motion – 2 votes

#### **Resolved:**

In accordance with the Amendment.