

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 17 June 2009 at 9.30am.

Present: Councillors K Lyall, R Band, L Caddell, I Campbell, C Gillies, A Jack, J Kellas, J Law (substituting for W Lumsden), M Lyle, H McDonald and S Miller.

In Attendance: N Brian, A Condliffe, A Beveridge (up to and including Art. 325(1)), B McNaughton, G Peebles, A Fleming and J Russell (from Art. 326(3)) (all The Environment Service); J Wong, Exchange Student (up to and including Item 326(4)); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors E Grant, W Lumsden and W Wilson.

Councillor K Lyall, Presiding.

322. DECLARATIONS OF INTEREST

In terms of the Councillor's Code of Conduct Councillor R Band declared a non-financial interest in planning application 09/00548/FUL, Art. 326(7).

323. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 13 May 2009 (Arts. 237-240) was submitted, approved as a correct record and authorised for signature.

324. 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.
09/00167/FUL	325(1)
09/00303/FUL	326(1)
09/00356/FUL	326(2)
09/00191/FUL	326(3)
09/00195/FUL	326(4)
09/00219/FUL	326(5)
09/00548/FUL	326(7)
09/00562/FUL	326(8)

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

COUNCILLOR A JACK LEFT AND RETURNED TO THE MEETING DURING THE FOLLOWING APPLICATION.

325. PLANNING APPLICATION PREVIOUSLY CONSIDERED

09/00167/FUL – PERTH – Installation of column, antennae, cabinet, fence and ancillary equipment at 14 Gowans Terrace, Perth – Telefonica O2 UK Ltd – Report 09/296

N Brian, Development Quality Manager, advised the Committee that, should it be minded to approve the application, an additional condition relating to noise from the installation should be included.

Mr P McCullagh and Mr D Reid, on behalf of the applicant, followed by Mrs J McKay, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In terms of Standing Order 53, Councillor A MacLellan, one of the Elected Members representing Ward 12, addressed the Committee.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of the 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 palisade fence shall be painted a light grey colour to match the telecommunications structure.

The Committee unanimously agreed to the following additional condition:

4. 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO chart.

Councillor C Gillies moved an Amendment that the application be refused. Upon failing to find a seconder, the Amendment fell.

326. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **09/00303/FUL – AUCHTERARDER – Installation of 15m replica telegraph pole with integrated antennae, cabinet, replacement fence and ancillary equipment on site west of 223 High Street, Auchterarder – Telefonica O2 UK Ltd – Report 09/297**

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

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

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 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO chart.
4. All trees which are to be retained on site must be protected by stout fencing (minimum 1.2 metres high and 2.4 metres in intensive area of construction) enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837 : 2005. *Trees in relation to construction*. Such fencing must be erected before any materials or machinery is brought on the site and before any demolition or development, including erection of site huts has commenced. Erected fences shall not be removed or altered without prior consultation with the Council as Planning Authority. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection shall be laid over the existing soil surface to the satisfaction of the Council as Planning Authority.

- (2) **09/00356/FUL – PERTH – Installation of 12m monopole supporting 3 antennae, 1 transmission dish and ancillary equipment on footpath opposite the junction of Firkbank Road and Burghmuir Road – Vodafone UK – Report 09/298**

Dr H Duncan, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors L Caddell and C Gillies) – Refuse, for the following reasons:

1. **The application would lead to an over-provision of telecommunication masts in the immediate area thereby causing an adverse impact on visual amenity by cluttering the streetscene.**
2. **The applicant has failed to demonstrate that the opportunities to mast-share have been fully exhausted.**

Amendment (Councillors J Law and K Lyall) – Grant, subject to conditions contained in Report 09/298.

Amendment – 2 votes

Motion – 8 votes

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (3) **09/00191/FUL – PERTH – Erection of three units for a mixed use development (Class 1, 2 and 3 or use as a hot food takeaway) all with car parking at Riggs Road, Perth – Direct Flooring – Report 09/299**

Mr P Houghton, agent 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 proposed development is contrary to Policy 48 of the Perth Area Local Plan 1995 in that the development shall introduce unrestricted Class 1 Retail within an area zoned for Business Uses where retail, except from the sale of motor vehicles, is not permitted.
2. The proposed development is contrary to Policy 48 of the Perth Area Local Plan 1995 in that the development does not provide sufficient parking provision for the scale of retail units proposed.
3. The proposed development is contrary to Sustainable Economy Policy 6 of the Perth and Kinross Structure Plan 2003 in that the proposed development shall introduce an unrestricted Class 1 Retail development outwith the city centre which could be detrimental to the vitality of the city centre.

- (4) **09/00195/FUL – KINROSS – Residential development including 6 new build houses, conversion and extension of two existing steadings and alteration and extension to existing farmhouse at Wester Balgedie Farm, Kinross – Gray Construction Limited – Report 09/300**

Mr J Reilly, agent on behalf of the applicant, followed by Mr A Smith, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor M Barnacle, one of the elected members representing Ward 8, addressed the Committee.

Resolved:

Refuse, on the grounds that the proposed development:

1. is contrary to Policies 87, 88 and 91 of the Kinross Area Local Plan 2004; and
2. by reason of its layout, design, density and massing, would have a significant detrimental impact on the amenity and setting of the Wester Balgedie Conservation Area.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

(5) 09/00219/FUL – INCHTURE – Residential development of 56 dwellinghouses at land to the south of Meadowview Drive, Inchture – Barratt East Scotland – Report 09/301

Mr G Wallace, objector to the application, 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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. A minimum of eight dwellinghouses shall be 'affordable', as defined in PAN 74, and be administered by a registered social landlord in perpetuity, to the satisfaction of the Council as Planning Authority. Prior to the occupation of these units, details of which plot numbers are to be affordable must be submitted to the Council as Planning Authority.
4. Prior to the commencement of any works on site, precise details of the proposed Sustainable Urban Drainage System (SUDS) must be submitted for approval in writing by the Council as Planning Authority.
5. Prior to the commencement of any works on site, precise details of all boundary treatments must be submitted for approval in writing by the Council as Planning Authority.
6. Prior to the commencement of any work on site, precise details of all external wall and roof finishes must be submitted for approval in writing by the Council as Planning Authority.
7. Prior to the occupation of the first dwellinghouse, 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.
8. Prior to the commencement of any works on site, a detailed landscaping plan (which must include maintenance details) must be submitted for approval in writing by the Council as Planning Authority. The approved scheme shall be implemented and retained in full, with replanting undertaken as required, all to the satisfaction of the Council as Planning Authority.

Procedural Note

Consent shall not be issued until such time as an appropriate legal agreement has been concluded to secure the delayed payment of financial contributions for both educational and play park upgrade provisions, or until such time as payments have been received in full.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

- (6) **09/00433/FUL – KINDALLACHAN – Renewal of previous consent (04/00974/FUL) for erection of 6 dwellinghouses at land to the north of Morven, Kindallachan – Atholl Estates – Report 09/302**

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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. All existing trees on the site (with the exception of those marked for felling on the approved plans) 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 approval of the Planning Authority prior to the commencement of the development.
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. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
6. No development shall take place until the details of the future maintenance of the drainage plant is submitted and agreed in writing by the Council as Planning Authority.
7. Details of a stone boundary wall on the western boundary of Plots 2, 3, 4 and 6 shall be submitted and agreed in writing by the Council as Planning Authority. The height of the wall shall be such that it obscures the direct line of site from the upper floor windows of those houses. The agreed scheme shall be implemented prior to the occupation of the houses on those plots.
8. All garage roofs shall be slated.

Informative

The applicant should be aware that the proposed drainage system requires a licence under the Water Environment Controlled Activities (Scotland) Regulations (CAR) 2005 (as amended) and contact should be made with the Scottish Environment Protection Agency (SEPA) as soon as possible to discuss this further. The applicant should also be aware of the formal consultation response received from SEPA dated 29 April 2009.

COUNCILLOR R BAND, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT AND TOOK NO FURTHER PART IN THE DEBATE.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

(7) 09/00548/FUL – PERTH – Erection of 3 student residential blocks on land to north of Perth College, Crieff Road, Perth – Board of Management of Perth College UHI – Report 09/303

N Brian, Development Quality Manager, advised the Committee that the last sentence of Paragraph 57, relating to provision of a Section 75 Agreement, had been erroneously included in Report 09/303 and should be deleted.

Mr D White, representing Perth College, and Mr S Tab, Architect, followed by Mrs F Reid and Ms E Feltham, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors K Lyall 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 accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written authority of the local Planning Authority.
Any topping or lopping approved shall be carried out in accordance with BS3998 (Tree Work). The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and as per recommendations given in BS 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local Planning Authority.**
- 4. The landscaping scheme shown on drawing No. P919.01 dated 3.09 shall be carried out prior to the occupation of the development hereby approved (unless the Local Planning Authority in writing otherwise decides). Any trees which within a period of five years from the completion of the**

development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species unless the local Planning Authority gives written consent to any variation.

5. Samples of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation of the residences.
6. Surface water from hard surfaces shall be disposed of by a closed soakaway or by the implementation of a Sustainable Urban Drainage Scheme, in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland & Northern Ireland: CIRIA 2000, unless otherwise agreed in writing with the local Planning Authority.
7. No building/part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local Planning Authority, such drawings to show the position, design, materials, finishes and number of cycle spaces.
8. None of the buildings hereby approved shall be occupied until refuse bin enclosures have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local Planning Authority, such drawings to show the siting, design and capacity thereof. Following approval the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the local Planning Authority.
9. All the units hereby approved shall be occupied as student accommodation under Class 8 of the Use Classes Order 1997 in association with Perth College or any other higher education establishment to be approved by this Planning Authority. For the avoidance of doubt the use of the units for accommodation to serve conference and/or holiday lets outwith the appropriate semester/term dates shall only be with prior agreement of details lodged with and approved by this Planning Authority.
10. Prior to the commencement of any work on a site a bat survey shall be undertaken for the application site and agreed in writing by this Planning Authority.

Informatives

1. The applicant should consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
2. No work shall be commenced until an application for building warrant has been submitted and approved.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

3. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
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.
5. There may be a possibility of bats or bat roosts in the vicinity of the site. The Wildlife and Countryside Act 1981 provides special protection for all species of bat. Bats are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. This means it is illegal to deliberately kill bats or to deliberately damage or destroy bat roosts or disturb bats in their roosts. As a result if there is any knowledge of bats at the site it is advised that a bat survey be undertaken by a suitably qualified consultant to ascertain if a licence is required.

Amendment (Councillors C Gillies and A Jack) – Refuse, on the grounds that:

1. the development will lead to overdevelopment of the site; and
2. the siting of the residential blocks is inappropriate.

Amendment – 2 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

COUNCILLORS C GILLIES AND L CADDELL LEFT THE MEETING AT THIS POINT.

COUNCILLOR R BAND RETURNED TO THE CHAMBERS AT THIS POINT.

- (8) **09/00562/FUL – KILLIECRANKIE – Modification of existing consent (06/02413/FUL) erection of a 1 bedroom dwellinghouse at Old Mill, Mains of Orchill Farm, Killiecrankie – Mr and Mrs Reynolds – Report 09/304**

Dr Campbell and Mrs Hall, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors J Kellas and A Jack) – Grant, subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

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 timber boarded fence which has been formed on the site shall be removed in its entirety prior to the occupation/use of the dwellinghouse and the correct post and wire fencing (as marked on the 1:200 Site Plan drawing no. L002 A) shall form the boundaries of the site all to the satisfaction of the Council as Planning Authority.
4. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted. There should be particular attention given to additional planting on the east and north boundaries of the application site, and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
6. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the 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 road.
8. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
9. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

The Committee unanimously agreed to the following additional condition:

10. All windows in the south-east facing gable of the dwellinghouse hereby approved shall be removed prior to the occupation of the dwellinghouse and no windows shall be inserted in the stated gable elevation without the prior formal consent of the Planning Authority.

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
17 June 2009

Informative

The applicant should be 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 (Councillors I Campbell and B Band) – Refuse, on the grounds that the application is contrary to Policies 2 and 5 of the Highland Area Local Plan 2000.

Amendment – 4 votes

Motion – 5 votes

Resolved:

In accordance with the Motion.

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