

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
19 November 2008

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 19 November 2008 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, I Campbell, A Gaunt (substituting for Councillor L Caddell), A Jack, J Kellas, W Lumsden, M Lyle, H McDonald (except for Art. 634(3)), S Miller and A Wylie (substituting for E Grant).

In Attendance: N Brian, A Condliffe, B McNaughton, A Fleming, R MacLeod and K Stirton (all The Environment Service); C Elliott (Corporate Services); J Dickson, P Frazer and Y Oliver (all Chief Executive's Service).

Apologies for Absence: Councillors L Caddell and E Grant.

Councillor W Wilson, Convener, Presiding.

630. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor H McDonald declared a non-financial interest in Art. 634(3).

631. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 22 October 2008 (Arts. 583-586) was submitted, approved as a correct record and authorised for signature.

632. 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.
07/00004/HYDRO	634(1)
08/01745/FUL	634(3)

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

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633. PLANNING APPLICATIONS PREVIOUSLY CONSIDERED

- (1) **05/02418/OUT – ERROL – Outline consent for sustainable village at Errol Airfield – Morris Leslie Ltd – Report 08/580 (Art. 705/07)**

Resolved:

To clarify the Development Control Committee's decision on 15 November 2007 to include a Section 75 Agreement incorporating, as required, the following:

1. Affordable housing delivery mechanism together with the phasing of the provision of the affordable housing
2. Education contribution and method of delivery
3. Financial contribution to Errol Community Centre

- (2) **08/00619/FUL – MUTHILL – Change of use from agricultural unit to storage and distribution (Class 6) in retrospect at Caerlaverock Farm, Muthill (Art. 433(7))**

A Condliffe, Applications Team Leader, advised the Committee that this application had been withdrawn subsequent to being deferred at the Development Control Committee meeting on 30 July 2008.

634. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **07/00004/HYDRO – GLENLYON – Erection of a hydro electric station at Invervar Burn, Glenlyon – North Chesthill– Report 08/581**

A Condliffe, Applications Team Leader, advised the Committee that, contrary to reports in the local press, the Community Council had not objected to the application. She also advised that it was recommended Condition 19 be amended as the legislation for vibration levels had been updated from BS 6472:1992 to BS 6472:2008. Condition 19 should now refer to 'Vibration Dose Values in excess of 0.1 to 0.2 m.s^{-1.75} between 2300 and 0700 hours and 0.2 to 0.4 m.s^{-1.75} between 0700 and 2300 hours (as set out in Table 1 of BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings).

Dr T Shaw, on behalf of the applicant, and Mr A R Farningham, on behalf of the Invervar Community Association, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors M Lyle and J Kellas) – Do Not Object, subject to suitably worded conditions and informatives based on those below being applied to any consent given:

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

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2. **The proposed development must be carried out in accordance with the approved plans and Environmental Statement including the addendum, unless otherwise provided for by conditions imposed on the planning consent.**
3. **Prior to the commencement of works the applicant shall agree a traffic management scheme with the Council as Roads Authority to the satisfaction of the Council as Planning Authority.**
4. **Prior to the commencement of works and over the period of construction, where deemed necessary, the C448 Coshievile to Bridge of Balgie public road shall be improved by means of passing places/strip widening at locations to be agreed with the Council as Roads Authority. All works shall be carried out to the standard and specification required by the Council as Roads Authority to the satisfaction of the Council as Planning Authority.**
5. **The details of the site accesses shall be agreed with the Council as Roads Authority and constructed prior to the commencement of works on site to the satisfaction of the Council as Planning Authority.**
6. **Prior to the commencement of works the applicant shall enter into a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 in respect of the C448 Coshievile to Bridge of Balgie public road whereby the road shall be inspected on a regular basis by the appropriate council officers and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of the Council as Planning Authority.**
7. **The public road shall be kept free from mud, debris etc. at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud, debris etc on to the public road to the satisfaction of the Council as Planning Authority.**
8. **Prior to the commencement of construction, a full detailed construction method statement, giving details of measures to prevent harmful materials entering the River Tay SAC shall be submitted and agreed in writing by the Council as Planning Authority in consultation with SNH. The details shall include**
 - **Pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.**
 - **Storage and disposal of materials, including the siting of stockpiles, use of buffer strips and disposal methods.**

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- **Construction site facilities, including extent and location of construction site huts, vehicles, equipment and materials compound.**
- **Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.**

The Construction Method Statement shall also include details on the timing of works to ensure that construction work with fine sediment release is timed outwith 15/16 October and 31 May which is a sensitive period for Atlantic salmon in the River Tay SAC.

The statement shall also address the cumulative risk from more than one of the hydro schemes being constructed at the same time.

9. **An independent Ecological Clerk of Works or Environmental Manager shall be appointed during the construction of the hydro scheme and for the subsequent restoration of the site. This person shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.**
10. **Prior to any decommissioning of the site a Decommissioning Method Statement shall be submitted for the approval of the Council as Planning Authority in consultation with SNH. This method statement should ensure there is a process in place for ensuring good practice working methods are used for the removal of infrastructure and site restoration.**
11. **Any approved Decommissioning Method Statement shall be implemented and overseen by an independent Environmental Manager who shall have powers similar to the Environmental Manager/Ecological Clerk of Works employed during the construction phase.**
12. **Prior to the commencement of development, full details shall be submitted and agreed in writing by the Council as Planning Authority, in consultation with SNH, with regard to the finalised designs of the powerhouse and intakes. The plans shall show the exact location of the intakes and full details of stonework features and proposed landscape mitigation measures and full restoration details of the excavated areas around the intakes.**
13. **The developer shall arrange and afford access at all reasonable times to an archaeological organisation deemed acceptable to the Planning Authority in agreement with Perth and Kinross Heritage Trust, allowing them to observe work in progress and record items of interest and finds. Notification of the commencement data and details of the archaeological contractor retained by the developer should be made available to the Planning Authority and Perth and Kinross Heritage Trust in writing no less than 14 days**

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- before the development commences. Copies of the results of the watching brief shall be deposited in the National Monuments Record for Scotland and with Perth and Kinross Heritage Trust upon completion.
14. No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority, about Site 1, and others if required, as outlined in the Terms of Reference (to be provided by Perth and Kinross Heritage Trust). No works shall take place within the area inside that fencing without the prior written agreement of the Planning Authority and Perth and Kinross Heritage Trust.
 15. Power generating equipment shall be acoustically enclosed to attenuate sound therefrom, such that it does not exceed International Standards Organisation (ISO) Noise Rating 25 between the hours of 0700 and 2300 hours or Noise Rating 20 between the hours of 2300 and 0700 hours within any neighbouring dwelling. The measurement shall be taken with the windows slightly open and the figure to be when measured and/or calculated and plotted on an ISO rating chart, if considered necessary by the Council as Planning Authority in the event that any noise nuisance complaint is authenticated.
 16. For the whole development a comprehensive approach to tree protection shall be secured in accordance with BS 5837 'Trees in Relation to Construction' to the satisfaction of the Council as Planning Authority.
 17. The finalised pipeline route shall ensure that there is no impact on the Oak Tree covered by Tree Preservation Order (TPO) 61 marked in GREEN on the plan attached to the application. All works in the vicinity of this tree shall be in accordance with BS 5837 2005 'Trees in Relation to Construction'.
 18. An Arboricultural Implication Study and method statement shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development.
 19. The Plant Room shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.1 to 0.2 $m.s^{-1.75}$ between 2300 and 0700 hours and 0.2 to 0.4 $m.s^{-1.75}$ between 0700 and 2300 hours (as set out in Table 1 of BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings) as a result of vibration from plant associated with the application.
 20. The mitigation measures outlined in Chapter 6.4 of the Environmental Statement in regard to birds shall be fully implemented as part of the construction of the proposed scheme.

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Amendment (Councillors K Lyall and I Campbell) – Do Not Object, subject to the proposed conditions in Report 08/581 and also:

1. Condition 15 being amended to Noise Rating 10 for both ratings specified; and
2. Condition 19 being amended to Vibration Dose Values in excess of 0.1 m.s^{-1.75} over 24 hours every day.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

FOLLOWING A 15 MINUTE RECESS THE COMMITTEE RE-CONVENED.

- (2) **08/01412/REM – RUMBLING BRIDGE – Erection of a children's nursery and 5 chalets (reserved matters) at Birkfield, Rumbling Bridge – Baker Street Properties – Report 08/582**

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

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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
4. The wastewater treatment facility and associated drainage, storage and pumping installations shall be designed, operated and maintained such that noise and/or odour therefrom, are not perceptible in any domestic property.
5. The chalets shall be used solely for holiday accommodation only and shall not be occupied as the sole or main residence of the occupant.
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 or use of the approved development, the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail, to the satisfaction of the Planning Authority.

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8. **A 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontage with the A823 and implemented prior to the occupation of the approved development.**
9. **The gradient of the access shall not exceed 3% for the first 6.00 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.**
10. **Turning facilities shall be provided within the curtilage of each dwellinghouse prior to occupation to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority and shall be maintained permanently thereafter.**
11. **The landscaping plan by Christopher Palmer Associates, dated October 2008, shall be fully implemented to the satisfaction of the Planning Authority within six months of the operation of the business.**
12. **Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:**
 - (i) **the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage**
 - (ii) **measures to treat/remove contamination to ensure the site is fit for the use proposed**
 - (iii) **measures to deal with contamination during construction works**
 - (iv) **condition of the site on completion of remediation measures.**
13. **No consent shall be issued until a positive response had been received from SEPA on the issue of drainage and flooding.**

Amendment (Councillors A Jack and A Wylie) – Refuse, on the grounds that there are: (i) serious concerns relating to flood risk; (ii) road safety issues with regard to access on to the A823; and (iii) impact of the development on the landscape would be detrimental to the visual amenity of the area.

Amendment – 2 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

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HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM
COUNCILLOR H MCDONALD WITHDREW FROM THE CHAMBERS AT THIS
POINT.

(3) 08/01745/FUL – BRIDGE OF EARN – Demolition of existing buildings and erection of 3 townhouses and 4 semi-detached bungalows at Brig Motor Company, Main Street, Bridge of Earn – Wilburn Homes Ltd – Report 08/583

Mr W. Hawkins, agent on behalf of the applicant, and Mr R Barnes, on behalf of objectors, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Lumsden and A Jack) – Grant, subject to conditions contained in Report 08/583 and Condition 3 being amended to read as follows:

3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority, prior to the commencement of the development, to reflect the adjoining properties and streetscape. The scheme, as approved, shall be implemented prior to occupation and/or use of the development.

Amendment (Councillors A Gaunt and S Miller) – 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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority, prior to the commencement of the development. The scheme, as approved, shall be implemented prior to occupation and/or use of the development.
4. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed

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- (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of remediation measures.
5. A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments, and all planting, shall be submitted and approved in writing by the Planning Authority before work is commenced on site. The scheme, as approved, shall be fully implemented prior to the occupation of any of the units.
 6. No trees on the application site shall be felled without the prior written approval of the Planning Authority.
 7. Prior to the occupation or use of the approved development the vehicular access to serve the four properties to the rear of the site 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.
 8. Prior to the occupation or use of the approved development the vehicular accesses to serve the town houses fronting Main Street shall be formed in accordance with the Council's Roads Development Guide Type Figure 5.5 access detail to the satisfaction of the Council as Planning Authority.
 9. 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.
 10. Two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith.
 11. 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, to the satisfaction of the Council as Planning Authority.
 12. The existing garage frontage and pavement crossings to Main Street shall be reconstructed as a footway, to the standard and specifications required by the Council as Roads Authority and implemented prior to the occupation of the development, to the satisfaction of the Planning Authority.

Amendment – 7 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

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