

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
15 April 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 15 April 2009 at 9.30am.

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

In Attendance: Councillors P Barrett and L Simpson (up to and including Art. 197(2)); Councillor A MacLellan (Arts. 197(4) and (5)); N Brian, A Condliffe, A Fleming, K Stirton and B McNaughton (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apology for Absence: Councillor E Grant.

Councillor W Wilson, Presiding.

### 193. WITHDRAWAL OF APPLICATION

The Committee noted that the following application had been withdrawn:

**08/02408/OUT – AUCHTERARDER – Erection of garden centre and horticultural nursery with managers'/owners' residence: vacant field, South East of Ruthven Park, Auchterarder – Glenn Murray and Associates – Report 09/192**

### 194. DECLARATIONS OF INTEREST

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

### 195. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 18 March 2009 (Arts. 153-156) was submitted, approved as a correct record and authorised for signature, subject to it being noted that, under Article 156, in terms of Standing Order 53, Councillor E Maclachlan had addressed the Committee and not Councillor A MacLellan, as stated.

### 196. DEPUTATIONS

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

Planning Application No.	Article No.
07/00003/HYDRO	197(1)
08/02166/FUL	197(2)
09/00167/FUL	197(4)
09/00288/FUL	197(5)

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

**197. PLANNING APPLICATIONS FOR DETERMINATION**

**(1) 07/00003/HYDRO – ABERFELDY – Erection of a hydro electric station at Urlar Burn, Aberfeldy – Donald Ogilvy Watson – Report 09/190**

Mr D Ogilvy Watson, applicant, and Mr Shaw, on behalf of the applicant, addressed the Committee, and, following their representations, 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, including amended powerhouse location plan, and Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of works and over the period of construction, where deemed necessary, Urlar 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.
4. 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.
5. 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 Urlar 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.
6. 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.
7. 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.

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8. 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.
9. 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.
10. Prior to the commencement of development full details shall be submitted and agreed in writing by the Council as Planning Authority, with regard to the finalised designs of the powerhouse and intakes. The plans shall show the exact location of the intakes, full details of stone work features and proposed landscape mitigation measures and proposed planting and full restoration details of the excavated areas around the intakes. The proposed landscaping and planting scheme shall also provide details of the tree removal required to accommodate the powerhouse and any replacement planting proposed.
11. Power generating equipment shall be acoustically enclosed to attenuate sound therefrom, such that it does not exceed International Standards Organisation (ISO) Noise Rating 30 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.
12. 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.
13. 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 0.2 to 0.4 m/s<sup>1.75</sup> between 2300 and 0700 hours (as set out in Table 7 of BS 6472:1992 *Evaluation of human exposure to vibration in buildings*) as a result of vibration from plant associated with the application.
14. Any tree felling and other vegetation clearance along the pipeline route, including that required for ancillary developments such as access tracks and buildings shall be undertaken outwith the bird breeding season (i.e. not between 1 April and 15 July) all to the satisfaction of the Council as Planning Authority.
15. The mitigation measures outlined in the Site Access Management Plan dated 27 January 2009 by T L Shaw and M J

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Watson shall be fully implemented to the satisfaction of the Council as Planning Authority.

16. The existing pedestrian path which serves the Birks of Aberfeldy serves pedestrians and wheelchair users. This path must be kept open at all times or an alternative of the same standard must be kept open at all times to ensure suitable pedestrian access to the site is maintained all to the satisfaction of the Council as Planning Authority.

Procedural Notes:

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicant is advised that, in terms of Section 21 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. The applicant is advised that, in terms of Section 56 of the Roads (Scotland) Act 1984, he/she/they 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.
4. Regulation 39 (1) of the Conservation (Natural Habitats \_c.) Regulations 1994 provides special protection for all species of bat and their breeding and resting places, even when the animals are not present. The applicant is advised that a licence must be obtained from the Scottish Executive Environment and Rural Affairs Department (SEERAD) where it is proposed to carry out works which will affect bats or their roosts.

**(2) 08/02166/FUL – SCONE – Demolition of existing tram depot building and the erection of 13 flats and associated parking at 2-8 Perth Road, Scone – Perthshire Housing Association – Report 09/191**

Ms A Crook, on behalf of the applicant, and Mr A Robertson, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor P Barrett, in his capacity as Convener of the Housing and Health Committee, and Councillor L Simpson, one of the elected members representing Ward 2, addressed the Committee.

**Motion (Councillors W Wilson and H McDonald) – Refuse, for the following reasons:**

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1. **In the interest of visual amenity, the proposed development by reason of its scale, massing and overall height would be out of keeping with the neighbouring development and have a significant detrimental impact on the street scene and the immediate area due to its scale, massing and overall height.**
2. **The proposed development would be contrary to Policy 71 of the Perth Area Local Plan 1995 in that it would adversely affect the density, character or amenity of Scone.**

Amendment (Councillors L Caddell and C Gillies) – Grant, subject to conditions to be formulated by the Development Quality Manager.

Amendment – 6 votes

Motion – 6 votes

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

**Resolved:**

In accordance with the Motion.

- (3) **09/00022/MOD – COUPAR ANGUS – Change of house types on plots 24-29 and the erection of 3 additional dwellinghouses at Pony Park, Forfar Road, Coupar Angus – Scotia Homes (South) Ltd And Servite Housing Association – Report 09/193**

**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 accompanying the application, unless otherwise provided for by conditions imposed on the planning consent.
3. Upon completion, all units shall remain as 'affordable housing' under the control of the Servite Housing Association, to the satisfaction of the Council as Planning Authority.
4. Two carparking spaces must be provided per dwellinghouse and thereafter retained, unless otherwise agreed in writing by the Council as Planning Authority.
5. 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.
6. Prior to the commencement of any works on site precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority.
7. Prior to the commencement of any works on site, adequate protection of the existing tree adjacent to the site's northern boundary, must be carried out to the standards specified by the British Standards, BS 5837 2005 *Trees in Relation to*

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*Construction*, and to the satisfaction of the Council as Planning Authority.

8. Prior to the commencement of any works on site, precise details of all proposed excavations within the root protection areas must be submitted for the approval in writing by the Council as Planning Authority.
9. The existing tree adjacent to the northern boundary of the site must be retained.

Procedural Note:

Justification for Development Plan Departure

The extant planning consent for 35 dwellinghouses is considered to be a valid justification for the principle of supporting more dwellinghouses on this site than that allocated within the Local Plan.

Informatives:

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (4) 09/00167/FUL – PERTH – Installation of column, antennae, cabinet, fence and ancillary equipment at 14 Gowans Terrace, Perth – Telefonica O2 UK Ltd – Report 09/194**

Ms J McKay, objector to the application, addressed the Committee, and, following her representation, withdrew to the public benches.

In accordance with Standing Order 53, Councillor A MacLellan, one of the elected members representing Ward 12, addressed the Committee.

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

1. **To seek further information on the current status of the International Commission on Non-Ionising Radiation Protection (ICNIRP) Certificate; and**
2. **To request detailed information from the applicant with regard to the electro-magnetic waves emanating from the mast in relation to its proximity to schools and the local community.**

First Amendment (Councillors L Caddell and C Gillies) – Refuse, on the grounds that the application is contrary to Policy 48 of the Perth Area Local Plan in that it will be adverse towards visual and community amenity.

Second Amendment (Councillors J Kellas and R Band) – Grant, subject to conditions contained in Report 09/194.

Second Amendment – 3 votes

First Amendment – 9 votes

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Amendment – 2 votes

Motion – 10 votes

**Resolved:**

In accordance with the Motion.

**(5) 09/00288/FUL – KINNESSWOOD – Erection of a dwellinghouse at 18 Bishop Terrace, Kinnesswood – Mr and Mrs Bird – Report 09/195**

Mr J Bird, applicant, and Mrs A Harrison, objector to the application, addressed the Committee, and, following their respective representations, 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 accompanying the application, unless otherwise provided for by conditions imposed on the planning consent.
3. All existing boundary planting shall be retained and maintained to the satisfaction of the Planning Authority.
4. Prior to the occupation or use of the approved development 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.
5. 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.
6. 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 and permanently maintained thereafter.
7. Prior to the commencement of any works on site, details shall be submitted for the approval of the Planning Authority of the proposed re-engineering of site levels (i.e. to indicate existing site levels, proposed site levels and proposed finished floor levels) throughout the site and the approved details shall then be implemented to the satisfaction of the 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.

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

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