

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
14 January 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 14 January 2009 at 9.30 am.

Present: Councillors W Wilson; K Lyall; R Band, L Caddell (excluding Art. 9(5)), I Campbell, J Kellas, W Lumsden, M Lyle, H McDonald, A MacLellan, D Melloy (substituting for Councillor A Jack) and S Miller.

In Attendance: Councillor B Vaughan (up to and including Art. 9(2)); R Bean, N Brian, A Condliffe, B McNaughton, A Fleming, J Thomson and G Peebles (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors E Grant and A Jack.

Councillor W Wilson, Presiding.

6. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor L Caddell declared a non-financial interest in Art. 9(5).

7. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 10 December 2008 (Arts. 696-699) was submitted, approved as a correct record and authorised for signature.

8. 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.
08/00771/REM	9(1)
08/01123/REM	9(2)
08/01339/OUT	9(3)
08/01617/FUL	9(4)
08/02078/OUT	9(5)

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

The Committee unanimously agreed to combine the deputations for Planning Applications 08/00771/REM and 08/01123/REM.

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9. PLANNING APPLICATIONS FOR DETERMINATION

(1) 08/00771/REM – STANLEY – Erection of indoor leisure and reception facilities on land at the former Gowrie sand and gravel pit, Stanley – Crown Parks Ltd – Report 09/12

Mr D Queripel, agent 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 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 plans attached to the application and approved by the Committee, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the occupation or use of the approved development all access and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority.
4. Prior to the occupation of the development, the vehicular access to the B9099 public road shall be formed in accordance with specification Type E, Fig 5.8, access detail to the satisfaction of the Planning Authority.
5. 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.
6. Prior to the occupation of the development, full visibility splays of 3m by 180 m shall be provided to the right and left of the access measured between points 1m above the adjacent B9099 road channel level and maintained permanently thereafter.
7. Prior to the occupation of the development, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter.
8. Prior to the occupation of the development, a minimum of 38 No. car parking spaces and 45 overflow car parking spaces shall be provided within the site and shall be maintained permanently thereafter.
9. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B9099 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide, kerbed and surfaced to the requirements of the Council, as Roads Authority, to the satisfaction of the Planning Authority. In addition, a bus shelter

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- shall be provided on the south side of the road unless otherwise agreed in writing by the Council as Planning Authority.
10. Prior to the occupation of the development, the landscaping plans by Lee Houghton (amended November 2008) shall be fully implemented to the satisfaction of the Planning Authority.
 11. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
 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.
- Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.
13. Any preparation, such as tree felling or other vegetation clearance, be undertaken outwith the bird breeding season (i.e. not between 1 April and 31 July).
 14. In accordance with the recommendations made within the Freshwater Pearl Mussels Survey, a further survey must be undertaken prior to the commencement of the development.
 15. No work shall take place within the Thistle Brig Site of Special Scientific Interest (SSSI) boundary, including the storage of materials or machinery.
 16. The drainage strategy is not approved. Prior to the commencement of the development a revised drainage strategy shall be submitted for the approval of the Planning Authority.
 17. Prior to the commencement of works, the applicant shall consult with the Council's Community Waste Adviser regarding the provision of recycling facilities within the site. Any details subsequently agreed shall be provided on-site prior to the occupation or use of the development.
 18. Prior to the commencement of the development, details of a cycle parking facility shall be submitted to, and agreed in writing by, the Council as Planning Authority. Prior to the occupation or use of the approved development the agreed facilities shall be fully implemented.

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Procedural Notes

1. Consent shall not be issued until the Council has received payment in lieu of the proposed cycle path.

Informatives

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 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 Environmental Protection Agency.
3. The applicant is advised that, due to the proximity of the application site to the railway line, all requirements and consents from Network Rail require to be fully adhered to. The applicant should refer to Network Rail letter dated 3 July 2008.
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 the 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. The proposed development is in close proximity to a gas pipeline. As such, the applicant is advised to contact the National Grid Asset Protection Team prior to commencement of works.

(2) 08/01123/REM – STANLEY – Erection of 262 chalets and 30 touring caravan stances on land at the former Gowrie sand and gravel pit, Stanley – Crown Parks Ltd – Report 09/13

Mr D Queripel, agent on behalf of the applicant; Mr P Hemmings and Mr A Gifford, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

In accordance with Standing Order 53, Councillor B Vaughan, one of the elected members representing Ward 5, addressed the Committee.

Resolved:

Grant, subject to Condition 10 of Report 09/13 being amended to read 'Prior to the occupation of the development, the landscaping plan shall be amended to include planting to a depth of 40 metres adjacent to the B9099 and also incorporating bunding. The landscaping plans by Lee Houghton (amended November 2008) shall be amended accordingly and to the prior approval of the Planning Authority and no development shall take place within the 40 metres area referred to.'; and the following conditions:

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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 plans attached to the application and approved by the Committee, unless otherwise provided for by conditions imposed on the planning consent.
3. The chalets shall be used solely for holiday accommodation only and shall not be occupied as the sole or main residence of the occupant.
4. Prior to the occupation or use of the approved development, all access and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority.
5. Prior to the occupation of the development, the vehicular access to the B9099 public road shall be formed in accordance with specification Type E, Fig 5.8 access detail to the satisfaction of the Planning Authority.
6. 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.
7. Prior to the occupation of the development, full visibility splays of 3m by 180 m shall be provided to the right and left of the access measured between points 1m above the adjacent B9099 road channel level and maintained permanently thereafter.
8. Prior to the occupation of the development, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter.
9. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B9099 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide, kerbed and surfaced to the requirements of the Council, as Roads Authority, to the satisfaction of the Planning Authority. In addition, a bus shelter shall be provided on the south side of the road unless otherwise agreed in writing by the Council as Planning Authority.
10. Amended to read: Prior to the occupation of the development, the landscaping plan shall be amended to include planting to a depth of 40 metres adjacent to the B9099 and also incorporating bunding. The landscaping plans by Lee Houghton (amended November 2008) shall be amended accordingly and to the prior approval of the Planning Authority and no development shall take place within the 40 metres area referred to.
11. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
12. Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified

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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.

Before any residential unit is occupied, the measures to decontaminate the site shall be fully implemented, as approved by the Planning Authority.

13. 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.
14. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
15. The proposed cycle and footpath link illustrated on the approved plans shall be completed to the satisfaction of the Planning Authority prior to the occupation of the development and/or operation of the central leisure facilities.
16. Any preparation, such as tree felling or other vegetation clearance, be undertaken outwith the bird breeding season (i.e. not between 1 April and 31 July).
17. In accordance with the recommendations made within the Freshwater Pearl Mussel Survey, a further survey must be undertaken prior to the commencement of the development.
18. No work shall take place within the Thistle Brig Site of Special Scientific Interest (SSSI) boundary, including the storage or materials or machinery.
19. No chalets or touring caravans shall be permitted within the area of the south-eastern part of the site between the B9099 until this area has been effectively screened by landscaping to the satisfaction of the Council as Planning Authority.
20. The drainage strategy is not hereby approved. Prior to the commencement of the development, a revised drainage strategy shall be submitted for the approval of the Planning Authority.

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21. Prior to the commencement of works, the applicant shall consult with the Council's Community Waste Adviser regarding the provision of recycling facilities within the site. Any details subsequently agreed shall be provided on-site prior to the occupation or use of the development.
22. Prior to the commencement of the development, details of a cycle parking facility shall be submitted to, and agreed in writing by, the Council as Planning Authority. Prior to the occupation or use of the approved development the agreed facilities shall be fully implemented.

Procedural Notes

1. Consent shall not be issued until the Council has received payment in lieu of the proposed cycle path.

Informatives

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 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 Environmental Protection Agency.
3. The applicant is advised that, due to the proximity of the application site to the railway line, all requirements and consents from Network Rail require to be fully adhered to. The applicant should refer to Network Rail letter dated 3 July 2008.
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. The proposed development is in close proximity to a gas pipeline. As such, the applicant is advised to contact the National Grid Asset Protection Team prior to commencement of works.

(3) 08/01339/OUT – KINROSS – Erection of dwellinghouses and conversion of offices to residential use (in outline) at Bellfield, Kinross – The Bracken Partnership – Report 09/14

Mr D Queripel, agent on behalf of the applicant, and Mr R Gormley, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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Resolved:

Grant, subject to the following conditions:

1. The following reserved matters, the siting, design and external appearance of the development, the number of units, affordable housing, the landscaping of the site, (including re-planting to the west 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 three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six 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 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.
5. Visibility splays of 4.50m x 90.00m measured from the centre line of the new access, shall be provided in both directions along the nearside channel of the U231 Tillyochie Road prior to the occupation of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
6. Prior to occupation of the development, the vehicular access shall be formed in accordance with the Council's Roads Development Guide Type D Figure 5.7 access detail to the satisfaction of the Council as Planning Authority.
7. The gradient of the access shall not exceed 3% for the first 10.00 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. A minimum of three parking spaces shall be provided within the curtilage of each plot to the satisfaction of this Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and permanently maintained thereafter.
9. Prior to the occupation of the 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 and permanently maintained thereafter.

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10. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the U231 adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide, kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
11. 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.
12. The site layout shown on Drawing Number 4594/C/02 is indicative only and is not approved as part of this consent. For the avoidance of doubt, development shall be limited to the buildings footprint and hardstandings only.

The Committee unanimously agreed to impose the following additional condition:

13. The details referred to in Condition 1 shall include a full landscaping plan incorporating all recommendations of the submitted Tree Report by RTS Ltd, dated 16 April 2008, to the satisfaction of the Council as Planning Authority.

Procedural Notes

1. Prior to the issue of planning consent the applicant shall enter into, and conclude, a Section 75 Agreement to ensure the implementation and future maintenance of phosphate mitigation measures for the Loch Leven Catchment Area.

Informatives

1. The applicant should be advised that, in terms of Section 21 of the Roads (Scotland) Act 1984, he 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 Environmental Protection Agency.
2. 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 Environmental Protection Agency.

FOLLOWING A 15 MINUTE RECESS THE COMMITTEE RECONVENED.

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- (4) **08/01617/FUL – PERTH – Variation of existing consent (06/00805/FUL) to allow occupation of retail units without complying with Condition 18 at Caithness Glass Site, Ruthvenfield Road, Perth – K W Properties Limited – Report 09/15**

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

**Resolved:
Grant.**

Procedural Notes

Consent not to be issued until the Section 75 Agreement has been amended and signed in respect of the following issues:

- (i) The wording of paragraph 3.3 of that Agreement relating to the phasing of development;
- (ii) The need to make provision for setting up a working group to deal with Unit 7; and
- (iii) Such working group to deal also with the marketing and letting of Units 1-6 for significantly tourist-related use.

Informative

All other conditions previously attached to consent 06/00805/FUL will still apply to this development.

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

- (5) **08/02078/OUT – PERTH – Erection of additional mental health facilities (in outline) at Murray Royal Hospital, Muirhall Road, Perth – NHS Tayside – Report 09/16**

Mr D Charles, Project Manager on behalf of NHS Tayside, and Mr R Salvin, an objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Resolved:
Grant,** subject to conditions contained in planning consent 06/02346/OUT and 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, means of access to the site, a detailed tree survey and tree management plan and a risk appraisal, in consultation with relevant bodies, of the Medium Secure Unit, shall be approved by the Council as Planning Authority.

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2. The Reserved Matters shall be submitted for the approval of the Council as Planning Authority, in the form of a written application accompanied by detailed plans not later than:
 - (i) the expiration of three years from the date of the grant of outline planning permission;
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused; or
 - (iii) the expiration of six 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 layout, size and elevations of all buildings are for indicative purposes only and are not approved at this stage.
5. 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 satisfaction of the Council as Planning Authority.
6. All new buildings shall be no higher than single storey in appearance.
7. 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. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP 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.
9. 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.
10. The provision of a 25 metre landscape strip to between the proposed development and the existing properties along Gannochy Road shall be incorporated into any detailed submission, unless otherwise agreed in writing by the Council as Planning Authority.

The Committee unanimously agreed to impose the following additional conditions:

11. The installation of a heating system which combusts solid fuel shall not take place unless, and until, an Air Quality

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Assessment, providing information of an equivalent standard to that required by Local Air Quality Management Technical Guidance, has been submitted and approved by the Planning Authority.

12. 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.
13. 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.
14. Development shall not begin until a scheme to deal with 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
 - (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 decontamination measures.
15. Prior to the occupation of any residential unit, the measures to decontaminate the site, as approved by the Council as Planning Authority, shall be fully implemented.
16. A Traffic Management Plan, relating to construction traffic and site servicing traffic, shall be lodged for the prior approval of this Council as Planning Authority under Condition 1.

Informatives

1. Applicants are advised that, should their application for Reserved Matters be refused, and/or their appeal against such refusal dismissed outwith the three year time limit, they are entitled to submit a revised application for Reserved Matters within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. The applicant is advised that, in terms of Section 21 of the Roads (Scotland) Act 1984, he 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 Environmental Protection Agency.
3. The applicant is advised that, in terms of Section 56 of the Roads (Scotland) Act 1984, he must obtain from the Council, as

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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 Environmental Protection Agency.

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