

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

PERTH AND KINROSS COUNCIL

Minute of Meeting of Perth and Kinross Council held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 25 June 2008 at 11.00am.

Present: Provost Hulbert, Councillors K Baird, R Band, M Barnacle, P Barrett, I Campbell, J Coburn, A Cowan, J Flynn, A Gaunt, C Gillies, A Grant, E Grant, G Hayton, K Howie, A Jack, J Kellas, J Law, W Lumsden, K Lyall, M Lyle, E Maclachlan, A MacLellan (from Art. 408), H McDonald, D Melloy, I Miller, P Mulheron, M Roberts, W Robertson (from Art. 408), D Scott, C Shiers, A Stewart, H Stewart, B Vaughan, A Wylie and A Younger.

Also Attending: B Malone - Chief Executive (from Art. 408), J Irons, Depute Chief Executive; G Taylor, P Graham (from Art. 408) and J Dickson (all Chief Executive's); J Valentine, R Bean, J McCrone, N Brian and N Williamson (all The Environment Service - until Art. 408), K MacDonald and A Seggie (both The Environment Service (from Art. 408)); G Stevenson - Executive Director, Corporate Services (from Art.. 408), I Innes, C Elliott (until Art. 408) (both Corporate Services); D Roberts - Executive Director, Housing and Community Care and D Burke (both Housing and Community Care from Art. 408); J Fyffe - Executive Director (Education and Children's Services (from Art. 408)).

Apologies: Councillor W Wilson.

Provost Hulbert, Presiding

404. DECLARATIONS OF INTEREST

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

On a point of Order, Councillor Law stated that the undetermined status of his planning application as an individual did not preclude his participation in determining other planning applications before the Council.

405. ORDER OF BUSINESS

In terms of Standing Order 19, the Council agreed to vary the Order of Business on the agenda.

406. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear depositions in relation to planning application 07/02516/FUL.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

407. PLANNING APPLICATION FOR DETERMINATION

- (a) **07/02516/FUL – PERTH – Demolition of existing buildings and redevelopment to form Class 1 retail development and associated ancillary uses, extension to multi-storey car park, incorporating the formation of new retail street/court/pend and associated hard landscaping/shared managed service areas at Mill Street/High Street, Perth – Report 08/348**

There was submitted a report by the Head of Planning (08/348) on the above application.

Mr Neil McDougall, representing the applicant, followed by Mr I Muir, Mr W Beaton and Mr R Young, all objectors to the application, addressed the Committee. Following their respective representations, they withdrew to the public benches.

Motion (Councillors Miller and Hayton) - 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) **No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works 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 the Perth and Kinross Heritage Trust.**
- (4) **The rear elevation detailing (west) of unit 2 (LSU2) is not approved in its current form.**
- (5) **Details in respect of the following shall be submitted to and approved in writing by the Council as local Planning Authority before work is commenced on site. The relevant work shall be carried out in accordance with such approved details:**
 - a) **Details of the management of proposed refuse storage areas and refuse collection arrangements;**
 - b) **Details of the proposed management of external signage to individual units including locations, maximum dimensions, materials and methods of**

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

- illumination;
- c) **Material specifications and samples for all external finishing materials;**
 - d) **Elevation treatment of unit 2 (LSU 2) shall be revised to include detailing which will address a satisfactory level of visual activity and animation from key viewpoints into the site.**
- (6) **Deliveries shall only be made between before 1100am and after 1600pm Monday to Saturday, with no deliveries on Sundays.**
- (7) **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.**
- Before any commercial unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.**
- (8) **Units LSU2, LSU17 and LSU18 as identified on approved plans, shall be used solely for the purposes of Class 3 uses. The use of these premises for any other purpose, including another purpose normally constituting a permitted change within the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Planning Authority.**
- (9) **All natural dressed stone work and natural slate roof from 1-21 Mill Street and 121-127 High Street shall be reused for exterior finishing treatment within the approved scheme and where appropriate, associated hard landscaping, shall take place to the satisfaction of the Planning Authority.**
- (10) **All areas identified as public space within the site shall include detailed design and construction specifications, to the satisfaction of the Planning Authority through consultation with the Councils External Works Design Team.**
- (11) **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.**

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

- (12) Stopping up and re-designation orders for the relevant sections of Mill Street, Guard Vennel, Bridge Lane and Curfew Row shall be promoted and implemented prior to the commencement of any works on site to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.**
- (13) Traffic regulating Orders to extinguish existing waiting and loading restrictions on the relevant sections of Mill Street, Carpenter Street, North Port, Guard Vennel, Bridge Lane and Curfew Row shall be promoted and implemented prior to the commencement of any works on site to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.**
- (14) Traffic regulating orders relating to pedestrianisation, parking, loading and waiting restrictions on the relevant sections of Mill Street, Carpenter Street, North Port, Guard Vennel, Bridge Lane and Curfew Row shall be promoted and implemented prior to the completion and occupation of the development to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.**
- (15) Details of pick up and drop off facilities for public transport at North Port/ Carpenter Street and George Street/Bridge Lane shall be agreed with the Council as roads authority and implemented prior to the commencement of any works on site to ensure continuity of local bus services to meet the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.**
- (16) Before development commences full details of the low carbon and energy efficiency measures to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, shall be submitted to and approved by the Planning Authority, and the completed development shall accord with those details.**
- (17) The idling of delivery vehicle engines is prohibited.**
- (18) The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property.**
- (19) All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise there from 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 neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart.**
- (20) An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial**

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

- (21) The corner (stair) elevation of Unit 1 is not approved in its current form.**

Amendment (Councillors Barrett and Wylie) - 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) No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works 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 the Perth and Kinross Heritage Trust.
- (4) The rear elevation detailing (west), *north elevation and floor plan* of unit 2 (LSU2) are not approved in *their* current form. *The width of the pend is not approved in its current form.*
- (5) Details in respect of the following shall be submitted to and approved in writing by the Council as local Planning Authority before work is commenced on site. The relevant work shall be carried out in accordance with such approved details:
 - a) Details of the management of proposed refuse storage areas and refuse collection arrangements;
 - b) Details of the proposed management of external signage to individual units including locations, maximum dimensions, materials and methods of illumination;
 - c) Material specifications and samples for all external finishing materials;
 - d) Elevation treatment of unit 2 (LSU 2) shall be revised to include detailing which will address a satisfactory level of visual activity and animation from key viewpoints into the site.
- (6) Deliveries shall only be made between before 1100am and after 1600pm Monday to Saturday, with no deliveries on Sundays.
- (7) 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.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

- 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.

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

- (8) Units LSU2, LSU17 and LSU18 as identified on approved plans, shall be used solely for the purposes of Class 3 uses. The use of these premises for any other purpose, including another purpose normally constituting a permitted change within the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Planning Authority.
- (9) Re-use of all natural dressed stone work and natural slate roof from *1-21 Mill Street and 121-127 High Street shall be reused* for exterior finishing treatment within the approved scheme and where appropriate, associated hard landscaping, shall take place to the satisfaction of the Planning Authority.
- (10) All areas identified as public space within the site shall include detailed design and construction specifications, to the satisfaction of the Planning Authority through consultation with the Councils External Works Design Team.
- (11) 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.
- (12) Stopping up and re-designation orders for the relevant sections of Mill Street, Guard Vennel, Bridge Lane and Curfew Row shall be promoted and implemented prior to the commencement of any works on site to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
- (13) Traffic regulating Orders to extinguish existing waiting and loading restrictions on the relevant sections of Mill Street, Carpenter Street, North Port, Guard Vennel, Bridge Lane and Curfew Row shall be promoted and implemented prior to the commencement of any works on site to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
- (14) Traffic regulating orders relating to pedestrianisation, parking, loading and waiting restrictions on the relevant sections of Mill Street, Carpenter Street, North Port, Guard Vennel, Bridge Lane and Curfew Row shall be promoted and implemented prior to the completion and occupation of the development to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

- (15) Details of pick up and drop off facilities for public transport at North Port/ Carpenter Street and George Street/Bridge Lane shall be agreed with the Council as roads authority and implemented prior to the commencement of any works on site to ensure continuity of local bus services to meet the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
- (16) Before development commences full details of the low carbon and energy efficiency measures to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, shall be submitted to and approved by the Planning Authority, and the completed development shall accord with those details.
- (17) The idling of delivery vehicle engines is prohibited.
- (18) The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property.
- (19) All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise there from 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 neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart.
- (20) An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Amendment - 7 votes

Motion - 27 votes

Resolved:-

In accordance with the Motion.

J VALENTINE, R BEAN, J MCCRONE, N BRIAN, N WILLIAMSON AND C ELLIOTT LEFT THE MEETING AT THIS POINT.

FOLLOWING A RECESS FOR LUNCH, THE COUNCIL RE-CONVENED AT 2PM.

408. MINUTE OF PREVIOUS MEETING

The Minute of the Council Meeting of 30 April 2008 (Arts. 265-276) was submitted, approved as a correct record and authorised for signature.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

409. NOTICE OF MOTION IN TERMS OF STANDING ORDER 26

Post Office Network Change Programme

In terms of Standing Order 26, there was submitted a Motion by Councillors J Kellas and A Gaunt on the proposal announced by Post Office Limited to close Post Office branches across the area as set out in the proposed Local Area Plan as part of the Post Office Network Change programme.

Resolved:

This Council notes the real concern of the people of Perth and Kinross regarding the detailed announcement by Post Office Ltd of their Network Change programme as contained within their area plan proposal.

This Council notes the social importance of Post Offices to the well being of both communities and individuals within Perth and Kinross and finds that the closures announced and the ill-considered and impracticable proposals for Outreach services present a devastating blow to the integrity of the Post Office service.

This Council calls on the government to end the branch closure programme, to conduct a positive review towards increasing service provision and to invest in the Post Office network in order to protect this vital service for the people.

410. MINUTES OF COMMITTEES

Minutes of Committees from 23 April 2008 to 11 June 2008

The decisions recorded in Arts. 234-264 and 277-369, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

411. SINGLE OUTCOME AGREEMENT (Art. 178)

There was submitted a report by the Chief Executive (08/349) setting out proposed changes to the first Single Outcome Agreement (SOA) prepared for Perth and Kinross following discussions with the Scottish Government, and seeking approval of the revised SOA for Perth and Kinross.

Resolved:

- (i) The changes to the Single Outcome Agreement (SOA), as detailed in Appendix 1 to Report 08/349, be approved.
- (ii) The future development areas being undertaken to enable delivery of the SOA be noted.

412. EMPLOYABILITY STRATEGY AND ACTION PLAN FOR PERTH AND KINROSS

There was submitted a joint report by the Executive Director (Environment) and the Executive Director (Housing and Community Care) (08/350) outlining the findings of a study into employability issues in Perth and Kinross and setting out a

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

new strategic approach and action plan to deliver local improvements to move more local people from benefits into employment.

Resolved:

- (i) It be agreed that the Council take the lead in progressing and co-ordinating an Employability Strategy and Action Plan for the Perth and Kinross area with our Community Planning partners, as detailed in Report 08/350.
- (ii) The Employability Strategy and Action Plan, as detailed in Appendix 1 and Section 3 of Report 08/350, be approved.
- (iii) Two additional posts, both within the Council and Partner Agencies, be approved to take forward the actions outlined in Report 08/350.
- (iv) It be agreed that the Organisational Change and Improvement Plan Organisational Development group consider ways to implement initiatives such as work placements, job shadowing and more flexible recruitment policies to ensure that the Council, as a key local employer, is supporting vulnerable individuals into employment.
- (v) The initial pilot actions, as detailed in Report 08/350, be further investigated and implemented.

413. COMPLAINTS PROCEDURE

There was submitted a report by the Executive Director (Corporate Services) (08/351) seeking approval to implement a revised complaints procedure to take effect from a date to be determined by the Executive Director (Corporate Services). The proposed changes to the complaints procedure were as identified at the Kaizen Blitz improvement session held in August 2007 and were intended to address the weaknesses identified during the process.

Resolved:

- (i) The current three stage procedure be reduced to a two stage procedure, as detailed in Report 08/351.
- (ii) The timescales be brought into line with the Council's Customer Service Standards of five working days for an acknowledgement and fifteen working days to respond at each of the two stages.
- (iii) Training be delivered to all Investigating Officers, focusing on investigative techniques to improve complaint resolution at the earliest stage in the process and that general customer care training should encourage the resolution of potential complaints at the point of service.
- (iv) Implementation of the changes to take effect from a date determined by the Executive Director (Corporate Services)

414. APPOINTMENTS TO COMMITTEES

(a) Development Control Committee

Resolved:

Councillor S Miller be appointed to the Development Control Committee to replace Councillor M Barnacle.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 June 2008

(b) Environment Committee

Resolved:

Councillor I Campbell be appointed to the Environment Committee to replace Councillor D Melloy.

(c) Lifelong Learning Committee

Resolved:

Councillor D Melloy be appointed to the Lifelong Learning Committee to replace Councillor I Campbell.

415. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

(a) Perth Festival of the Arts

Resolved:

Councillor H Stewart. be appointed to the Perth Festival of the Arts to replace Councillor D Melloy.

(b) Morrison's Academy Board

Motion – (Councillors I Miller and A Grant)

Councillor G Hayton be appointed to the Morrison's Academy Board.

Amendment – (Councillors A Stewart. and H McDonald)

Councillor M Lyle be appointed to the Morrison's Academy Board.

Amendment - 14 votes

Motion - 20 votes

Resolved:

In accordance with the Motion.

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