

PERTH AND KINROSS COUNCIL
DEVELOPMENT CONTROL COMMITTEE
28 May 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 28 May 2008 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell, J Kellas, W Lumsden, M Lyle, H McDonald, D Melloy (substituting for Councillor I Campbell) and S Miller (substituting for Councillor E Grant) (from Art. 332(2)).

In Attendance: N Brian, A Condliffe, B McNaughton, A Fleming, G Peebles (all The Environment Service); G Fogg (Corporate Services) and Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors I Campbell, E Grant and A MacLellan.

Councillor W Wilson, Convener, Presiding.

329. WITHDRAWAL OF APPLICATION

The Committee noted that the following planning application had been withdrawn from the agenda:

06/00774/FUL – METHVEN – Erection of 143 dwellinghouses, 43 affordable houses and associated parking and garaging at Plots 1-186, Lynedoch Road, Methven – GS Brown – Report 08/282

330. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

331. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Control Committee of 7 May 2008 (Arts. 287-290) was submitted, approved as a correct record and authorised for signature.

332. 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.
06/02407/FUL	333(1)
07/01792/FUL	333(2)
08/00067/FUL	333(3)

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

333. PLANNING APPLICATIONS FOR DETERMINATION

- (1) **06/02407/FUL – BALNAGUARD – Erection of nine dwellinghouses with associated garages and new access road on land to the south of the B898, Balnaguard – Caledonian Trust plc – Report 08/283**

Mr I Gaul, agent, on behalf of the applicant, followed by Mr T Meadows and Mr P Barr, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors K Lyall and A Jack) – Refuse, for the following reasons:

- 1. The application is contrary to Sustainable Communities Policy 9 of the Perth and Kinross Structure Plan (2003).**
- 2. The application is contrary to Policy 2, 'Development Criteria', of the Highland Area Local Plan (2000) in that the scale, form, colour and density of development within the locality will result in a significant loss of amenity to the local community.**
- 3. The application is contrary to Policy 5, 'Design', of the Highland Area Local Plan (2000) in that the standard of design does not fit in with the surrounding neighbourhood.**
- 4. The application is contrary to Policy 87, 'Village Uses' of the Highland Area Local Plan (2000) in that the proposed development will be detrimental to the residential amenity and village character.**
- 5. The application is contrary to Balnaguard Housing Opportunity 6 in that it does not retain the existing footpath and stone walls.**

Amendment (Councillors J Kellas and R Band) – Grant, subject to the conditions contained in Report 08/283 and to the issues of street lighting and relocation of the footpath through the site being fully discussed with the Development Quality Manager prior to the commencement of any development.

Amendment – 3 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

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- (2) **07/01792/FUL – CLEISH – Proposed new courtyard development comprising of 10 new dwellings within the garden area to north of the existing house with associated access roads and communal space and erection of 2 dwellinghouses within the walled garden area at Nivingston House, Cleish – Nivingston House Ltd – Report 08/284**

N Brian, Development Quality Manager, advised the Committee that this application had been subject to pre-application discussions with his predecessor, Mr I Sleith.

With regard to the site history, he advised the Committee that a previous application for this site, which had included an additional five plots, had been withdrawn and therefore not determined. There was an existing consent for access across the field which had been included in the Planning Consent granted in 2004 to convert the vacant Nivingston House Hotel into five residential dwelling units.

N Brian also advised the Committee that, following a further site inspection, he wished to amend his recommendation from that contained in his report as he now recommended that the two individual plots to the west of the main house should not be included as part of the approved development.

Mr K McFarlane, agent, on behalf of the applicant, and Mr C Culley, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Refuse, on the grounds that:

1. The application is contrary to the Housing in the Countryside Policy 2005, Category 3.1 – Specific Sites in that the application site is still established and the proposal would affect the qualities and integrity of the site.
2. The application is contrary to Policy 2, 'Development Criteria', of the Kinross Area Local Plan (2004) on the grounds that the scale and design of the proposed development is inappropriate.

FOLLOWING A 15 MINUTE ADJOURNMENT, THE COMMITTEE RECONVENED

- (3) **08/00067/FUL – CARNBO – Alter the terms of Condition No 17 of planning consent 05/02389/REM to delete “Prior to the commencement of construction” and in addition to allow minor alterations to external elevations at Pitcairnie, Carnbo – Wilson Homes Limited – Report 08/285**

Mr M Smith, agent, on behalf of the applicant, and Mr R Carruthers, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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Resolved:

Defer, to allow a further report to be brought to Committee providing additional information in relation to: drainage, the embankment, the retaining wall and the effect that the additional height will have on the neighbouring properties.

- (4) **08/00306/FUL – BALBEGGIE – Erection of steel framed storage building for commercial purposes to the rear of Henri Nairn Catering, Liner's Building, Main Street, Balbeggie – Nairn Catering Ltd – Report 08/286**

Motion (Councillors W Wilson and L Caddell) – 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. The use of the building shall be restricted to storage purposes only and no refrigeration equipment shall be used in the building all to the satisfaction of the Council as Planning Authority.**
- 4. A sample of external finishes shall be submitted for the approval of the Planning Authority prior to the commencement of the development.**

Amendment (Councillors D Melloy and W Lumsden) – Refuse, on the grounds of insufficient provision with regard to access and the application would be detrimental to the amenity of the adjoining properties known as Arran Cottage and Hazeldene.

Amendment – 3 votes

Motion – 6 votes

Resolved:

In accordance with the Motion.

- (5) **08/00478/FUL – PERTH – Alterations to and change of use of city halls to form speciality shopping centre containing shops, restaurants, market stalls and event space at Perth City Hall, King Edward Street, Perth (Amendment of 06/01169 FUL) – Wharfside Regeneration (Perth) Ltd – Report 08/287**

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.**

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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. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers' drawings and/or a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as local Planning Authority. The relevant work shall be carried out in accordance with such structural engineers' drawings and/or method statement thus approved.
5. In relation to the proposed opening in the east elevation and the associated internal space behind (i.e. units 7 and 8), the following conditions shall apply:
 - (a) Before the commencement of any associated work, full details (at an adequate scale and including sections) of the exterior glazing and framework and any signage and advertisements, shall be submitted for the prior approval of the Council as Planning Authority.
 - (b) No temporary sales or promotional signs shall be displayed on the exterior of the building.
 - (c) Internally, for a distance of 5 metres back from the exterior glazing, there shall be no sales counters, tills, advertising or storage.
 - (d) Nothing shall be sited, displayed or promoted within the exterior space between the City Hall and St John's Kirk, without the express written consent of the Council as Planning Authority or unless as shown on the approved plans.
6. The position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt including communications and information technology servicing), shall be specified in advance of any work being carried out, and the prior approval of the Council as local Planning Authority shall be obtained wherever these installations

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are to be visible, or where ducts or other methods of concealment are proposed. Any works carried out shall be in accordance with such approval. Particular regard should be given to work associated with the proposed condensers and housings at roof level, together with related ductwork.

7. No new plumbing, pipes, soilstacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
8. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
9. The new facing masonry shall match the existing masonry adjacent in respect of type, colour, texture, face bond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
10. The new joinery work shall match the existing joinery work adjacent in respect of materials, dimensions and profiles, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
11. 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 alterations to external masonry at altered and enlarged openings, including: large-scale profiles and sections showing the continuation of existing moulding details and proposed junctions with new work together with a method statement detailing the techniques and finishes to be used;
 - (c) Details of the proposed alterations and infill to basement window openings, including proposed materials and finishes together with sections indicating the degree of recess of infill panels behind the existing surface;
 - (d) Proposed fixings and equipment for external lighting scheme, including dimensions and manufacturers' specification of equipment and details of lighting pattern, colour and intensity;
 - (e) Details of the proposed management of internal and external signage to individual units including locations, maximum dimensions, materials and methods of illumination;

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- (f) Details of the proposed management of internal space to ensure the central route and views through the entire length of the building remain clear of visual and physical obstructions.
12. No cleaning of masonry, other than a gentle surface clean using a nebulous water spray, is authorised by this consent. Proposals for any other method must be submitted to and approved by the Council as local Planning Authority before the work is begun and the work shall be carried out in accordance with such approved proposals.
 13. No repointing of masonry is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the Council as local Planning Authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.
 14. All new partitions shall be scribed around the existing ornamental mouldings
 15. All new external joinery shall be of painted timber.
 16. All new external rainwater goods and soil pipes on the visible elevations shall be of cast metal, painted black.
 17. Stands for 10 bicycles shall be provided within the vicinity of City Hall prior to the commencement of trading and following the prior approval of their design and specification by the Council as Planning Authority.
 18. The ventilation system and any other plant or equipment to be installed or operated in connection with the granting of this permission, including air conditioning units, shall be so enclosed, attenuated and/or maintained such that noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 0700 and 2300 hours, or Noise Rating 25 between 2300 and 0700 hours within any neighbouring residential premises, with windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
 19. Prior to the operation of the premises, a ventilation system commensurate with the scale and nature of cooking being undertaken, and including both particulate and odour controls, shall be installed, operated and maintained so as to ensure that no cooking odours associated with the development are emitted or exhausted into neighbouring properties to the satisfaction of the Planning Authority.
 20. No music or amplified speech shall be permitted outside the premises. Any music or amplified speech emanating from the premises, shall be so controlled or mitigated as to be inaudible within any neighbouring residential properties.
 21. Deliveries shall only be made between 0800 – 1700 hours Monday to Saturday, with no deliveries on Sundays.
 22. The sliding/folding screens next to the lift on the ground floor are not approved.

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**(6) 08/00497/OUT – CLEISH – Erection of dwellinghouse (in outline) at
4 Templeton, Cleish – Ewan Sandilands – Report 08/288**

Resolved:

Grant, subject to 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 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. The vehicular access shall be improved in accordance with specification Type B, Fig 5.6, access detail to the satisfaction of the Planning Authority.
5. The gradient of the access shall not exceed 3% for the first 3 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. Full visibility splays of 2m by 110m shall be provided to the right and left of the access measured between points 1m above the adjacent road channel level.
7. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
8. 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.
9. 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the B9097 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.
10. All existing trees on the site shall be retained and their retention shall be shown in the submission of the reserved matters referred to in Condition No 1.

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11. The design of the dwellinghouses shall reflect the local rural design characteristics and should avoid introducing suburban or urban design elements.
12. The number of houses permitted under this consent shall be limited to a maximum of one only.
13. 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 and development shall not commence prior to the approval of that scheme. The scheme shall be to provide significant landscaping in the area of land to the north of the proposed house and 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 and the scheme as subsequently approved shall be carried out and completed within six months of the occupation of the house; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

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