

## DEVELOPMENT CONTROL

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 10 November 2010 at 9.30am.

Present: Councillors K Lyall, R Band, L Caddell (up to and including Art. 614(3)(iv)), I Campbell, A Gaunt (substituting for Councillor W Wilson), E Grant, J Kellas, W Lumsden, M Lyle, H McDonald and S Miller (up to and including Item Art. 614(3)(v)).

In Attendance: Councillor C Shiers (up to and including Art. 614(3)(ii)), Councillor W Robertson (up to and including Art. 614(3)(i)); N Brian, A Condliffe, A Fleming, J Thomson, J Russell and G Peebles (all the Environment Service); C Elliott, C Flynn and Y Oliver (all Chief Executive's Service).

Councillor K Lyall, Presiding.

### 611. DECLARATIONS OF INTEREST

Councillor S Miller declared a non-financial interest in Arts. 612(4)(i) and 612(4)(ii) in terms of the Councillors' Code of Conduct.

### 612. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 6 October 2010 was submitted, approved as a correct record and authorised for signature.

### 613. 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.
09/01959/FLL	614(3)(i)
10/00815/IPL	614(3)(ii)
10/01285/FLL	614(3)(iv)

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

**614. APPLICATIONS FOR DETERMINATION**

**(1) Application Previously Considered**

**10/01110/FLL – PERTH – Demolition of existing nursery building and erection of 10 dwellinghouses and associated infrastructure at Friarton Nursery School, Edinburgh Road, Perth – Perth and Kinross Council – Report 10/559**

**Resolved:**

**Grant**, subject to the following conditions and additional Condition 7:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, 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. A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all planting, and paths and tracks to be upgraded and made available for public use, shall be submitted and approved in writing by the Planning Authority before work is commenced on site.
5. No trees on the site shall be felled, apart from those shown on an approved plan, without the prior written approval of the Planning Authority.
6. The road layout and parking arrangements shall be as indicated in drawing SD 1A dated 17 June 2010 to the requirements of the Roads Authority and to the satisfaction of the Planning Authority.
7. Details of the layout and surfacing materials for the additional parking area to be formed adjacent to the turning head shall be lodged for the prior approval of the Planning Authority
8. All the dwellings shall be affordable housing as defined under the council's Affordable Housing Policy 2007 (amended 2010)

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning

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- control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
  3. 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 Environment Protection Agency.
  4. No work shall be commenced until an application for building warrant has been submitted and approved.
  5. 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

**(2) Major Applications**

- (i) 10/01062/FLM – METHVEN – Erection of 79 mainstream and 24 affordable dwellinghouses, Lynedoch Road, Methven – G S Brown Construction Ltd – Report 10/560**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development shall be carried out in accordance with the approved plans herewith unless provided for by conditions imposed on the planning consent.
3. Prior to the occupation of any dwellinghouses all matters regarding access, car parking, road layout, design and specification, including disposal of surface water, shall be in accordance with the Council's standards, to the satisfaction of the Planning Authority.
4. Prior to the occupation of any dwellinghouses, the existing bus infrastructure on both sides of the A85 in the immediate vicinity of the site shall be upgraded to four-bay shelters to the standards required by the Council as Transport Authority, details to be submitted to the Planning Authority for approval prior to installation.
5. The site layout shall be amended to include provision for a recycling facility, details to be submitted and agreed in writing by the Council as Planning Authority prior to installation.

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6. Disposal of surface water shall be in accordance with Sustainable Urban Drainage Systems as per the requirements of the Scottish Environment Protection Agency, to the satisfaction of the Planning Authority.
7. A minimum of 24 of the units on site shall be affordable as defined in the Council's approved Policy on Affordable Housing.
8. Additional footpath links shall be provided to the existing tree belt on the eastern side of the site and to the south-west boundary of the site through the proposed open space corridor between plots 35/37 and 24, details to be submitted to the Planning Authority prior to the commencement of work.
9. A local equipped play area (LEAP) shall be provided within the site. The location, specification and timing shall be agreed with the Planning Authority prior to the commencement of work.
10. The existing trees on the eastern edge of the site shall be retained and protected to BS 5837 2005 during construction works to the satisfaction of the Planning Authority.
11. Prior to the commencement of work an additional landscape plan shall be submitted to provide further details of the following items:- a long-term management plan for the existing tree belt along the eastern boundary of the site; the manner in which the proposed open space adjacent to the south-west boundary will be integrated with that on the adjoining site; full design details of the proposed SUDS pond; the landscaping of the southwestern boundary to the rear of plots 7-24; retention of the hedge along Lynedoch Road; treatment of the burn.
12. The houses above the 90 metre contour, i.e. Plots 94 - 102 shall be roofed in natural slate and samples of all finishing materials, including those for shared surface courts, shall be prepared on site for approval by the Planning Authority prior to the application thereof.
13. A phasing plan for the overall development of the site, with specific reference to affordable housing construction and public open space provision, shall be submitted to the Planning Authority for approval prior to the commencement of work.
14. All public open spaces shall be constructed, laid out and planted in accordance with the Council's standards and thereafter maintained to the satisfaction of the Planning Authority.
15. Details of all boundary treatment shall be lodged for the prior approval of this Council before any works commence on site.
16. Notwithstanding the details shown on the approved layout plan an amended layout plan shall be lodged showing

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rear garden depths to Plots 20-24, or a minimum of 9 metres, prior to any works starting on site, unless otherwise agreed in writing by the Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Procedural Notes**

1. Consent not to be issued until a Section 75 Agreement has been completed and signed in respect of the following issues: -
  - Delivery/phasing of affordable housing on-site.
  - Payment of financial contribution towards affordable housing off-site.
  - Maintenance of public open spaces within site.
  - Financial contribution towards upgrading public park.
2. Consent not to be issued until the 2006 application (06/00774/FUL), granted by the Development Control Committee on 30 July 2008, is withdrawn.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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4. 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 Environment Protection Agency.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. Construction traffic should enter/exit the site via the Logiealmond Road.

**(ii) 10/01363/IPM – GREENLOANING – Proposed residential development and associated landscaping provision (in principle) on land to the south of Millhill Drive, Greenloaning – R Petrie and Sons – Report 10/561**

Motion (Councillors M Lyle and A Gaunt): Refuse, on the grounds that:

- (i) the proposed development is contrary to Policy 79 of the Strathearn Area Local Plan 2001 in that there are insufficient grounds to depart from the designation.
- (ii) the bund will have an unacceptable visual impact on the landscape.

**Amendment (Councillors J Kellas and L Caddell): Grant, subject to the following conditions:**

1. **Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:**
  - (i) the expiration of three years from the date of the grant of the planning permission in principle,
  - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. **The development shall not commence until the following matters have been approved by the Planning Authority:**  
**the siting, design and external appearance of the development, the means of surface water and waste**

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water drainage, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.

3. The submission of detailed landscaping proposals referred to in Condition 2 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme, as subsequently approved, shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
4. The indicative site layout and house numbers are not approved.
5. 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.
6. A 3.5 metre high bund or acoustic barrier (or combination of both) shall be constructed along the garden boundary at the south of the proposed development site and parallel to the A9 prior to the occupation of any dwellinghouses.
7. The acoustic barrier must have a minimum mass per unit area of 15 Kg/m<sup>2</sup>; there must be no holes or gaps in the fabric of the barriers, and there must be no gaps between the lower edge of the barriers and the ground. The barrier shall be permanently maintained in this condition.
8. A glazing specification of 10/12/6 must be installed within habitable rooms that have a direct line of sight of the A9 prior to the occupation of any dwellinghouses.
9. The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
10. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May

**2009 all to the satisfaction of the Council as Planning Authority.**

**Justification**

It is considered that there is sufficient justification through material consideration to approve the application as a departure from the Development Plan. All other material considerations have been taken into account and are not considered sufficient to justify refusal.

**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 Environment Protection Agency.

Amendment: 7 votes      Motion: 5 votes

**Resolved:**

In accordance with the Amendment.

**(3) Local Applications**

- (i) **09/01959/FLL – KINROSS - Erection of 41 retirement flats on land north of the Green Hotel, The Muirs, Kinross – Green Hotel Property Ltd – Report 10/562**

Mr J Allan, on behalf of objectors to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

In terms of Standing Order 53, Councillor W Robertson, one of the Elected Members representing Ward 8, addressed the Committee, and, following his representation, withdrew to the public benches.

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**Resolved:**

**Refuse**, as the proposal:

- (i) contravenes Kinross Area Local Plan 2004, Policy 2 in that the proposal does not have regard to the density of the development within the locality.
- (ii) contravenes Kinross Area Local Plan 2004, Policy 6 in respect of inappropriate design.
- (iii) contravenes Kinross Area Local Plan 2004, Policy 67 in that the proposal will have a significant adverse effect on the density, character and amenity of the area.
- (iv) contravenes the Kinross Area Local Plan 2004, Policy 74 in that the proposal does not preserve or enhance the conservation area.
- (v) does not provide adequate parking provision on-site with regard to numbers and type of car parking spaces.

**Justification**

The development is contrary to the Development Plan and there are no material considerations which justify a departure therefrom.

Councillor J Kellas moved a Motion that the application be granted, subject to the conditions contained in Report 10/562 and the addition of a condition relating to the provision of a recycling facility. Upon failing to find a seconder, the Motion accordingly fell.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (ii) **10/00815/IPL – COUPAR ANGUS – Demolition of Moorfield House Hotel and erection of a residential development (in principle) at the Moorfield House Hotel, Myreriggs Road, Coupar Angus – Mr B Stott – Report 10/563**

Mr H Moorfield, on behalf of objectors to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions:

- 1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of three years from the date of the grant of the planning permission in principle,

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- (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority: 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.
3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Council as 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 that 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 residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority.
4. Prior to the occupation of any dwellinghouse 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.
5. The layout / numbers shown on the site layout plan (WMS 304.sk02) are for indicative purposes only and not approved.
6. No trees or hedgerows shall be removed from within the site without the prior consent of the Council as Planning Authority.
7. The proposal must comply fully with the requirements of the Council's approved Affordable Housing Policy 2005.
8. The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note: Primary Education and New Housing Development 2009.

**Justification**

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

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**Informatives**

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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 Environment Protection Agency.
3. 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.
4. Applicants are advised that, should their application for approval of matters specified by conditions in their planning permission in principle consent 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 approval of matters specified by conditions in their planning permission in principle consent within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

**(iii) 10/01090/IPL – AUCHTERARDER - Erection of dwellinghouse (in principle) on land at Sunnybrae, Windsole, Auchterarder – Demoundfort Estates Ltd – Report 10/564**

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal is contrary to Policy 54 of the Strathearn Area Local Plan as it cannot comply with the requirements of category (a) Building Groups and it does not satisfy any of the other accepted categories of the Policy.
2. The proposal is contrary to the Council's Policy on Housing in the Countryside 2009 as it does not satisfy any of the accepted categories (1) Building Groups, (2) Infill sites (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Non-Domestic Buildings, and (6) Brownfield Sites.
3. The proposal is contrary to Policy 44 of the Strathearn Area Local Plan as the proposed development would result in built development outwith the settlement of Auchterarder.

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**Justification**

The proposed development does not comply with the relevant policies of the Development Plan and does not comply with the revised Housing in the Countryside Policy 2009 and there are no material considerations which would warrant a departure therefrom.

**(iv) 10/01285/FLL – KINCLAVEN – Demolition of derelict cottage and erection of a new dwellinghouse and garage at Boatlands, Kinclaven – Ballathie Estates – Report 10/565**

Mr J Milligan, applicant on behalf of Ballathie Estates, and Mr R Peters, 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 three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Tree screening of the proposed house from the riverbank with native trees and shrubs shall be carried out prior to its occupation in line with the approved landscape details as per drawing no. 10/01285/4 in order to reduce the impact of artificial lights around the house all to the satisfaction of the Council as Planning Authority.
4. No floodlighting or unnecessary or intrusive external lighting shall be permitted around the house and all external lighting shall be muted and detailed plans for night time lighting submitted and agreed in writing all to the prior satisfaction of the Council as Planning Authority.
5. Prior to the demolition of the existing cottage a Construction Method Statement shall be submitted to include the following details:
  - (i) proposed demolition technique which should take place from the south side of the cottage with rubble removed from this side;
  - (ii) no rubble should be allowed to enter the Site of Special Scientific Interest (SSSI), the boundary of which runs along the cottage frontage. A barrier/marker fence could be erected along the side of the cottage to denote the boundary of the SSSI;
  - (iii) no vehicles should enter the SSSI;
  - (iv) demolition shall be completed prior to the start of the development;all to the satisfaction of the Council as Planning Authority.

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6. 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 Perth and Kinross Heritage Trust.
7. Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and with Perth and Kinross Heritage Trust upon completion.
8. The existing mature tree close to the existing cottage shall be retained and shall be adequately protected during any demolition works all to the satisfaction of the Council as Planning Authority.
9. 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.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Procedural Notes**

Consent not to be issued until either a Section 75 Agreement has been completed and signed or the full commuted amount has been paid in respect of the following issue:

Education Contribution of £6,395 per unit in line with Planning Guidance Note – Primary Education and New Housing Development May 2009.

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**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. 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 Environment Protection Agency.

COUNCILLOR L CADDELL LEFT THE MEETING AT THIS POINT

**(v) 10/01549/FLL – SCONE – Change of House Types on Phase 1 (Plot Nos 1-12) at Former Balgarvie Mill, Scone – A and J Stephen Ltd – Report 10/566**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to, and approved in writing by, the Council as 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 that 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.

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

4. Prior to the occupation of the first residential unit, the traffic light controlled junction at the junction of Angus Road and the new site access road shall be installed and commissioned to the requirements of the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
5. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation of any dwelling, to the satisfaction of the Council as Planning Authority.
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 commencement of any works on site a detailed planting / landscaping scheme (including all proposed tree works), which must include a timescale for implementation, shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, within the agreed timescale, with replanting occurring as necessary to the satisfaction of the Council as Planning Authority.
8. Prior to the commencement of any works on site precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval in writing by the Council as Planning Authority.

**Justification**

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

**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 21 of the Roads (Scotland) Act 1984 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 must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.

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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. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
5. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

**(4) Applications with Council Interest**

COUNCILLOR S MILLER, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING TWO APPLICATIONS, LEFT THE MEETING AT THIS POINT.

**(i) 10/00914/FLL – PERTH – Alterations, extension and formation of new entrance at Perth Theatre, 185 High Street, Perth – Horsecross Art Ltd – Report 10/567**

**Grant**, subject to the following conditions, with Condition 9 being amended to read as undernoted, and Condition 11 being removed:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, 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(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the Local 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 Local Planning Authority in agreement with Perth & Kinross Heritage Trust.

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4. For the avoidance of any doubt no consent is given for the proposed external materials. No development shall commence until samples of external finishing materials for the extension have been submitted to, and approved in writing by, the local Planning Authority. Thereafter the scheme, as approved, shall be implemented all to the satisfaction of the local Planning Authority.
5. No development shall commence until the dimensions and maximum capacities of the external dock and stage lift have been submitted to and approved in writing by the local Planning Authority in consultation with the Theatre Trust. Thereafter the scheme, as approved, shall be implemented all to the satisfaction of the local Planning Authority.
6. No development shall take place until full details of both hard and soft landscaping works for the public realm between Mill Street and the new Theatre entrance have been submitted to and approved in writing by the local Planning Authority and these works shall be carried out as approved prior to the occupation of the building/site being brought into use or earlier. These details shall include pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, signs, lighting etc.). Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and intended implementation programme.
7. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any nearby noise-sensitive property all to the satisfaction of the local Planning Authority.
8. The sound proofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby noise-sensitive property all to the satisfaction of the local Planning Authority.
9. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive property, with all windows slightly open, when measured and/or calculated and plotted on a Noise Rating curve chart.
10. 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 from the development are not exhausted into, or

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escape to, any neighbouring property all to the satisfaction of the local Planning Authority.

11. All external lighting installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that all light spillage beyond the boundaries of the site is minimised all to the satisfaction of the local Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. 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 Environment Protection Agency.
5. No work shall be commenced until an application for building warrant has been submitted and approved.

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6. No work shall be commenced until an application for Listed Building Consent has been approved.
7. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.

**(ii) 10/00915/LBC – PERTH – Alterations, extension and formation of new entrance at Perth Theatre, 185 High Street, Perth – Horsecross Arts Ltd – Report 10/568**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the Listed Building Consent.
3. No demolition or dountakings associated with this consent shall be undertaken until the Royal Commission on the Ancient and Historical Monuments of Scotland have either recorded the building(s) or have indicated in writing that they do not wish to record the building(s).
4. No development shall commence until a photographic survey cross referenced to survey plans and elevations has been submitted to and approved in writing by the local Planning Authority in consultation with the Conservation Team.
5. No developments shall commence until detailed drawings of the junctions between the retained historic fabric and new work have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.
6. No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.
7. No development shall commence until precise details for the decoration and re-furnishing of the auditorium have been submitted to and approved in writing by the local Planning Authority. This will require to be supported by historic analysis to support the decoration and furnishing/refurnishing scheme. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.

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**Justification**

The proposal is considered to comply with the Development Plan and there are no material considerations which justify a departure therefrom.

**Procedural Notes**

As the application involves work to Category B Listed Buildings the consent shall not be issued until formal ratification from Historic Scotland has been received.

**Informatives**

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

**(iii) 10/01361/FLL – Erection of fence (partly in retrospect) at Craignair, Crieff Road, Aberfeldy – Laing O’Rourke – Report 10/569**

**Resolved:**

**Grant**, subject to the following conditions:

1. The fence shall be completed in its entirety within two months of the date of this permission.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of development details of the proposed wood stain for the fence shall be submitted for the written approval of the Planning Authority.
4. The existing shrubs and hedge on the north boundary shall be retained to the satisfaction of the Council as Planning Authority.
5. A revised landscape reinstatement plan to include additional planting to screen the proposed fence shall be submitted for the further written approval of the Planning Authority prior to the commencement of any development. The landscape re-instatement as approved shall be implemented in full by 31 May 2011 to the satisfaction of the Council as Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Informatives**

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(iv) **10/01407/FLL – PERTH – Replacement of existing wall mounted street lights at High Street and King Edward Street, Perth – Mr D Cartwright – Report 10/570**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of three 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. For the avoidance of doubt lamp 36 located on 28, 30 High Street and 1-5 Watergate shall be located to the east of the building to make use of existing mounting points as shown on the proposed plans and not as depicted on the photomontage all to the reasonable satisfaction of the Planning Authority in consultation with Historic Scotland.
4. For the avoidance of doubt cables and equipment boxes on the facades of buildings shall be disguised by following existing elevation features, service runs or rain water goods. Where this is not possible, details of cable and equipment box colouring will be supplied to ensure that they match the background colour they are to be mounted on which shall be approved in writing by the Planning Authority in consultation with Historic Scotland prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
5. Where wall mounted units are to be removed and not replaced in the same location details on remediation works will be supplied prior to the commencement of development and approved in writing by the Planning Authority to ensure repairs match the original surface in terms of material and finish. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
6. For the avoidance of any doubt the existing column street lighting shall be removed once the scheme as approved has been implemented and brought into use all to the reasonable satisfaction of the Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

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**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

**(v) 10/01404/LBC - PERTH – Replacement of existing wall mounted street lights at High Street and King Edward Street, Perth – Perth and Kinross Council – Report 10/571**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of three 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. For the avoidance of doubt lamp 36 located on 28, 30 High Street and 1-5 Watergate shall be located to the east of the building to make use of existing mounting points as shown on the proposed plans and not as depicted on the photomontage all to the reasonable satisfaction of the Planning Authority in consultation with Historic Scotland.
4. For the avoidance of doubt cables and equipment boxes on the facades of buildings shall be disguised by following existing elevation features, service runs or rain

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water goods. Where this is not possible details of cable and equipment box colouring will be supplied to ensure that they match the background colour they are to be mounted on which shall be approved in writing by the Planning Authority in consultation with Historic Scotland prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

5. Where wall mounted units are to be removed and not replaced in the same location details on remediation works will be supplied prior to the commencement of development and approved in writing by the Planning Authority to ensure repairs match the original surface in terms of material and finish. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no material considerations which justify a departure therefrom.

**Procedural Notes**

As the application is by a Council involving works to Listed Buildings then no consent shall be issued until formal consent from Historic Scotland has been received.

- (vi) **10/01440/FLL – PERTH – Change of use of public open space to residential, and extension to form disabled ensuite shower room at 52 Sandeman Court, Hillyland, Perth – Perth and Kinross Council– Report 10/572**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the new extension hereby approved being first brought into use the new re-routed footpath to the west of the house shall have been laid out and finished and made available for use to the satisfaction of the Council as Planning Authority.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

**(vii) 10/01575/FLL – METHVEN – Change of use of public open space to private garden ground and the erection of a fence at 29 Lynedoch Road, Methven – Mr R Livingstone– Report 10/573**

**Resolved:**

**Grant**, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country

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Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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

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