

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 16 November 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, A Parrott (substituting for G Walker) and M Roberts (substituting for M Lyle).

In Attendance: N Brian, A Condliffe, N Moran, S Panton and M Petrie (all The Environment Service); C Elliott and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Lyle and G Walker.

Councillor T Gray, Convener, Presiding.

794. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

795. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor B Band declared a non-financial interest in Art. 798(1)(i).

796. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 19 October 2016 (Arts. was submitted, approved as a correct record and authorised for signature.

797. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications.

Planning Application No.	Art. No.
16/01307/FLM	798(1)(i)
16/01357/FLL	798(2)(ii)
16/01364/FLL	798(2)(iv)
16/01637/FLL	798(2)(vi)

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The Convener asked the Committee if they were minded to hear (i) a deputation from an objector to Art. 797(i), planning application 16/01307/FLM, who had not originally objected to the application within the timescales; and (ii) from applicant for Art. 797(2)(vi), planning application 16/01637/FLL, which deputation request had been received after the deadline. The Committee unanimously agreed to allow these deputations to be heard.

COUNCILLOR B BAND, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM.

798. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 16/01307/FLM – BANKFOOT – Erection of a poultry layer breeding farm on land south east of Tullybelton Lodge, Bankfoot – Report 16/508 – Lohmann Tierzucht UK Limited**

Mr I Massie and Sir D Carter, objectors to the application; Mr C Pasteur, Auchtergaven Community Council, objector to the application; and Councillor G Laing, objector to the application; followed by Mr A Wood, agent for the applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

Motion (Councillors T Gray and J Giacopazzi) – Grant, subject to the following terms, conditions and informatives:

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.**
- 2. Prior to the commencement of development, details of compensatory woodland planting shall be submitted to and approved in writing by the Planning Authority in consultation with Forestry Commission Scotland. The agreed detail shall thereafter be implemented prior to the completion of the development.**
- 3. Prior to commencement of development, a minimum of 4 passing places (unless otherwise agreed in writing) shall be constructed on the U32 from the junction of the C408 by Letham Farm to the A9 at Newmill Farm. The location and design of the passing places shall be agreed in writing with the Council as Roads Authority prior to their construction.**
- 4. Prior to the use or occupation of the development, the access from the U32 shall be reformed in accordance with Type D junction detail and constructed to the**

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standards required by the Council as Roads Authority.

- 5. All plant or equipment 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.**
- 6. The planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.**
- 7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.**
- 8. All existing trees shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.**
- 9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.**
- 10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place**

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until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

11. Prior to the commencement of development an updated ecological impact assessment must be submitted to and agreed by the Planning Authority to allow a full assessment of the development on habitats and wildlife as a result of the proposed development. The agreed detail shall thereafter be implemented prior to the completion of the development.

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 payment of the required developer contribution is paid or a Section 75 Agreement has been completed and signed.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.
3. As soon as practicable after the development is complete, the person who completes the development

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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. 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 41 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 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.
5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. The applicant is advised to contact SEPA regarding the requirement for a Pollution Prevention and

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Control (PPC) Part A Permit to operate an intensive agriculture site.

- 11. SEPA guidance "Management of Forestry Waste" should be consulted for details of how forestry waste can be suitably treated/disposed.**
- 12. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.**

Amendment (Councillors J Kellas and M Barnacle) – Defer for the provision of further information on:

1. The types of protected species, including trees, which could be affected by the development, the extent of any effect of the development on those protected species, and details of how any effects could be addressed.
2. Any potential for water run-off contamination, with particular regard to the protection of the environment downstream;
3. The sustainable urban drainage systems (SUDS) proposal, with particular regard to the capability of the proposal to cope with the type of rainfall experienced in the area.

In accordance with Standing Order 44, a roll call vote was taken.

5 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, I Campbell, J Kellas and A Parrott.

7 members voted for the Motion as follows:

Councillors T Gray, D Cuthbert, A Gaunt, J Giacobazzi, C Gillies, A Livingstone and M Roberts.

Amendment – 5 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE
RECONVENED.

COUNCILLOR B BAND RETURNED TO THE MEETING AT THIS POINT

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(2) Local Applications

- (i) 16/01097/FLL – BURRELTON – Erection of 4 dwellinghouses on land north east of Millstead, Burrelton – Report 16/509 – Mr D Taylor**

Resolved:

Grant, subject to the following terms, conditions and informatives:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the commencement of the development, improvements to the existing private access shall be agreed in writing to the satisfaction of the Council as Planning Authority.
3. The private access that provides access to the proposed development forms part of a core path (BURR/180/1). This core path must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the first house is occupied.
4. Prior to the commencement of development details of the arrangements for the provision of suitable waste and recycling facilities to serve the proposed development shall be agreed in writing with the Planning Authority. Thereafter the approved scheme shall be implemented prior to the occupation of the first dwelling; all to the satisfaction of the Planning Authority.
5. All trees which are to be retained on site must be protected by stout fencing (minimum 1.2metres high and 2.4metres in intensive area of construction) enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837 : 2012. Trees In Relation To Design, Demolition and Construction, prior to any works commencing on site. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection shall be laid over the existing soil surface to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density

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- of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.
7. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
 8. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.
 9. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.
 10. Prior to the commencement of development details of the proposed boundary treatment shall be submitted for the approval of the Planning Authority. The details as agreed and implemented shall thereafter be maintained.
 11. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment

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(Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- 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.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority and validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

12. For the avoidance of doubt, the paddock of land immediately to the north of Plot 4 identified on the approved site plan (Drawing Ref: 16/01097/16) does not form part of the garden ground of the house in Plot 4.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

(ii) **16/01357/FLL – PITLOCHRY – Alterations and extension to coffee shop at Mackenzie's Coffee House, 115 Atholl Road, Pitlochry – Report 16/510 - Mr M Wood**

Mr G Kirk, agent for the applicant, addressed the Committee and following his representation, returned to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
3. All plant or equipment 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
4. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
5. The hours of operation of the function areas shall be limited to 0700 to 2300 daily.
6. Prior to the opening of this facility, the applicant shall submit, for the prior written approval of the Council, a noise management plan to minimise the potential for disturbance at nearby residential receptors. The plan as

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agreed shall be fully implemented to the satisfaction of the Council.

7. Prior to the commencement of the development hereby approved, a sample of all external finishes shall be submitted to and agreed in writing by the Council as Planning Authority. The external finishes as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.
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. No work shall be commenced until an application for building warrant has been submitted and approved.

- (iii) **16/01596/CON – PITLOCHRY – Demolition of building at (Mackenzie's Coffee Shop) West Lane, Pitlochry – Report 16/511 – Mr M Wood**

Resolved:

Grant, subject to the following terms, condition and informative:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

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Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informative

1. This Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

(iv) 16/01364/FLL – BANKFOOT – Erection of 9 flats and associated works at land north of Springside, Main Street, Bankfoot – Report 16/512 – Mr C Taylor

Mr C Pasteur, Auchtergaven Community Council, objector to the application, addressed the Committee and following his representation, withdrew to the public benches.

Motion (Councillors A Gaunt and M Barnacle) – Refuse, as the proposal is contrary to:

1. **Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that the design, by virtue of the limited gap with the neighbouring property “Nairn”, does not respect the amenity of the place.**
2. **Policy PM1B(c) of the Perth and Kinross Local Development Plan 2014, in that the design, by virtue of the limited gap with the neighbouring property “Nairn”, does not complement its surroundings.**

Amendment (Councillors J Kellas and T Gray) – Defer, for the provision of further information on:

1. The consideration that Building Standards would give to the viability of the limited gap with the neighbouring property “Nairn”, with particular reference to maintenance of the gables of the neighbouring property and the proposal.

In accordance with Standing Order 44, a roll call vote was taken.

3 members voted for the Amendment as follows:

Councillors T Gray, B Band and J Kellas.

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10 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, A Livingstone, M Roberts and A Parrott.

Amendment – 3 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

COUNCILLORS M BARNACLE, J GIACOPAZZI AND A PARROTT LEFT THE MEETING AT THIS POINT.

- (v) **16/01572/FLL – PERTH – Change of use from garden centre to café/takeaway (class 3), alterations and formation of outdoor seating area (in part retrospect) at EZ Grow, 77 Scott Street, Perth – Report 16/513 – Mr A Sams**

Resolved:

Grant, subject to the following terms, conditions and informatives:

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.
3. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
4. The hours of operation of the outdoor seating area shall be restricted to between 0900 to 1700 hours Monday to Sunday.
5. The hours of operation of the internal cafe shall be restricted to 0700 hours to 1900 hours daily.
6. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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7. All plant or equipment 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 residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
8. Prior to the development hereby approved being completed or brought into use, a refuse storage area must be provided which is capable of accommodating the following:
 - 1 x 360L general container (600 x 880 x 1140mm)
 - 1 x 360L DMR container (600 x 880 x 1140mm)
 - 1 x 140L food waste container (480 x 544 x 1060mm)Thereafter, the refuse storage area for the premises shall be operated and maintained such that detriment is not caused to the amenity of occupiers or neighbouring premises and does not cause any blockage of access to neighbouring premises.
9. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed windows and doors to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earliest.

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.

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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. An application for Building Warrant may be required.
5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out. Planning permission for a development does not provide a defence against prosecution under another Act.
6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent.

(vi) 16/01637/FLL – PERTH – Variation of condition 2 (hours of operation of floodlights) of permission 11/01669/FLL (formation of an all-weather sports pitch and associated infrastructure) on land at Seven Acres, Newhouse Road, Perth – Report 16/514 – Mr J Kidd

Councillor E Maclachlan, supporter to the application, and Mr J Kidd, applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informative:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. The hours of operation of the floodlights shall be 09.00 hours to 22.00 hours Monday to Sunday.
3. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to be less than 10 Lux at the windows of adjacent residential properties as recommended by the Institute of Light Engineers.

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Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informative

1. The applicant should be aware that the lease may also need to be amended to permit the proposed extension to the operating hours. Please contact Estates Surveyor Malcolm Hill on 475916 to discuss the matter.

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