

## **DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 20 February 2013 at 9.30am.

Present: Councillors T Gray, B Band, H Anderson, I Campbell, A Gaunt, J Giacomazzi, C Gillies, A Jack, J Kellas, A Livingstone, M Lyle and G Walker.

In Attendance: Councillors B Ellis (up to and including Art. 99(2)(i)), C Shiers (up to and including Art. 99(2)(i)), B Vaughan (up to and including Art. 99(3)(i)) and W Wilson; N Brian, A Condliffe, J Thomson, S Dunn, M Barr (up to and including Art. 99(3)(i)), N McCowan-Hill (up to and including Art. 99(3)(i)) and S Knowles (up to and including Art. 99(3)(i)) (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apology for Absence: Councillor M Barnacle.

Councillor T Gray, Convener, Presiding.

### **96. DECLARATIONS OF INTEREST**

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

### **97. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Control Committee of 24 January 2013 (Arts. 34-37) was submitted, approved as a correct record and authorised for signature.

### **98. DEPUTATIONS**

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

Planning Application No.	Article No.
12/01460/AMM	99(2)(i)
12/02143/FLL	99(3)(i)
12/02177/FLL	99(4)(iii)

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

**99. APPLICATIONS FOR DETERMINATION**

**(1) Applications Previously Considered**

- (i) 12/00304/FLL – ERROL – Demolition of buildings and erection of five dwellinghouses at Myreside Farm, Errol – Caledonian Trust plc – Report 13/74**

**Resolved:**

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

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. Full 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.
3. For the avoidance of doubt, as a minimum the principal elevations of plots 2, 3, 4 and 5 shall be finished in natural stone reclaimed from existing on site building materials, detailed in the masonry finish to match the existing steading buildings and finished with lime mortar jointing and pointing, to the full satisfaction of the Council as Planning Authority.
4. The proposed roof slates shall be detailed and finished in a traditional diminishing course to the full satisfaction of the Council as Planning Authority.
5. A detailed landscaping and internal boundary treatment plan for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of the species, height, size and density of trees and hedging to be planted and the full specification of the boundary treatment.
6. The approved detailed landscaping and planting scheme for the site shall be implemented as part of the site development programme, prior to the occupation of any part of the development and thereafter maintained in perpetuity.
7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
8. The access road shall be developed on the existing ground levels only, to the satisfaction of the Council as Planning Authority.
9. There shall be no alteration in levels to the nearby C Class road, to the satisfaction of the Council as Planning Authority.

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10. The ground levels around the site shall slope away from the dwellinghouse, to the satisfaction of the Council as Planning Authority.
11. There shall be no additional land raising on site apart from footprints of proposed dwellings.
12. There shall be no impenetrable solid boundaries in the form of walling or fencing created within the development site.
13. Finished floor levels shall be raised above existing ground levels, to the satisfaction of Scottish Environment Protection Agency (SEPA) and the Council as Planning Authority.
14. A detailed flood action plan shall be submitted and approved in writing prior to the commencement of development. The plan as approved shall thereafter be implemented and adhered in perpetuity of the development.
15. Development should not begin until the applicant or their agent has submitted to and have had approved in writing by the Council as Planning Authority a ground investigation and reclamation statement that has identified any area of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to access the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraints to the proposed use. The investigation should be compliant with the relevant good practice, government guidance in force and applicable European and British Standards.
16. Prior to the commencement of any works on site a fully detailed construction management plan shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include but not be limited to:
  - surface water drainage details in accordance with C648 and C649 (published by CIRIA);
  - precise details of all temporary structures required during the construction phase.The scheme as approved shall be fully complied with during the entire construction phase of the development.
17. Prior to the commencement of any works on site, plans which clearly show the location and position of any proposed bat bricks, boxes, bat tubes and swift nesting bricks (minimum of 4 bat bricks and swift nesting bricks – one on each elevation) shall be submitted for the approval in writing by the Council as Planning Authority.
18. The proposed and agreed bat roost sites will be provided in the new development as soon as possible after demolition has taken place; temporary roost sites should

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- be erected at a suitable agreed location on site if the development is not to proceed immediately following demolition.
19. Prior to the commencement of any works, a copy of the European Protected Species licence issued by the Scottish Government shall be forwarded to the Council as Planning Authority.
  20. Demolition work should take place between April and September to ensure no bats are hibernating in the building during demolition.
  21. Immediately prior to demolition a licensed Bat specialist should inspect potential bat roosts and take appropriate measures to prevent bats from roosting the night before demolition is due to take place.
  22. 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.
  23. The vehicular access to the U154 public road shall be formed in accordance with specification Type C, Fig 5.7 access detail prior to the occupation of development, to the satisfaction of the Council as Planning Authority.
  24. The public road over a length of 10 metres immediately adjacent to the access shall be widened to a minimum of 5 metres, to the satisfaction of the Council as Planning Authority.
  25. The gradient of the access shall not exceed 3% for the first 10 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, all to the satisfaction of the Council as Planning Authority.
  26. Full visibility splays of 2.4 metres by 90 metres shall be provided to the right and left of the access measured between points 1 metre above the adjacent U154 road channel level.
  27. Prior to the occupation of any dwelling, turning facilities shall be provided within the site (and thereafter retained) to enable all vehicles to enter and leave in a forward gear, to the satisfaction of the Council as Planning Authority.
  28. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site (and thereafter retained), all to the satisfaction of the Council as Planning Authority.
  29. Prior to the commencement of any works on site, precise details of the private drainage system proposed shall be submitted for the approval in writing by the Council as Planning Authority.
  30. Prior to the commencement of any works, precise details of any proposed external lighting shall be submitted for the approval of the Council as Planning Authority. All

external lighting 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 the satisfaction of the Council as Planning Authority.

31. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilages of the dwellings.

#### **Justification**

The proposal is not considered to be in accordance with the Development Plan, however part compliance with the 2009 Housing in the Countryside Policy and a net environmental benefit of the site redevelopment is considered to be a material reason to justify support for the application.

#### **Procedural Note**

Unless an upfront payment is paid consent shall not be issued until a Legal Agreement has been completed and signed in respect of an affordable housing payment of £33,125 (1.25 x £26,500) and primary education contribution payment of £23,981.25 (3.75 x £6395).

#### **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.
5. The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.

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6. 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.
7. The applicant should be advised in writing that the Executive Director of Education and Children's Services can give no guarantee that any school age children arising from this development application could be accommodated at Inchtute Primary School. This will result in any such children being placed in the nearest school with capacity to accommodate them.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
9. The applicant is advised to contact Perth and Kinross Council Waste Service team at their earliest opportunity to ensure appropriate provision for storage of waste and recycling facilities and access for service provision is incorporated as part of the development.
10. On the recommendation of SEPA, the applicants are advised to consider the integration of flood resistant and resilient building materials are incorporated within the design of the proposed dwellinghouses.
11. 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.

**(2) Major Applications**

- (i) 12/01460/AMM – RATTRAY – Erection of 60 dwelling houses and associated parking/garages on land to the East of Honeyberry Crescent, Rattray – G S Brown Construction Limited – Report 13/75**

Councillors B Ellis and C Shiers, two of the elected members for Ward 3, addressed the Committee, and, following their representations, withdrew to the officers' benches.

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Motion (Councillors A Livingstone and A Jack) – Defer, for the provision of further evidence as to (i) the suitability of Honeyberry Crescent, as opposed to Honeyberry Drive, as the main access and (ii) road safety issues with regard to Honeyberry Crescent and Kirkton Road.

**First Amendment (Councillors J Kellas and T Gray) – Grant, subject to the following conditions:**

- 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. Prior to the commencement of development 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.**
- 3. No work shall commence on the construction of residential units associated with this consent until the access to the site from Kirkton Road has been formed. Thereafter the access from the site and Kirkton Road shall be retained and kept free from obstruction all to the satisfaction of the Planning Authority.**
- 4. Prior to the commencement of development details of a path without steps and at a suitable gradient between the site's boundary at Honeyberry Drive and the site's internal road shall be submitted to and approved in writing by the Planning Authority. Thereafter the path shall be fully installed prior to the occupation of development all to the satisfaction in writing of the Planning Authority.**
- 5. No work shall commence on the construction of residential units associated with this consent until paths have been completely formed from Loon Braes and Honeyberry Drive to the site's boundary thereby ensuring the path links incorporated in the developments layout can connect to the wider area. Thereafter the paths shall be retained and kept free from obstruction all to the satisfaction of the Planning Authority.**
- 6. Prior to the commencement of the development a detailed landscaping and planting scheme for the site shall be submitted for the further written approval of this Planning Authority which shall take account of the revisions associated with condition 4 above. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs**

to be planted and include the co-ordination of landscaping establishment with construction works unless the Planning Authority grants written approval for any variation.

7. Any trees or landscaping which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species unless the local Planning Authority gives written consent to any variation.
8. Prior to the commencement of site construction works a detailed plan showing trees within the site to be retained and protected in accordance with BS 5837 2012 (Trees in relation to construction) shall be submitted and approved in writing by the Planning Authority. Thereafter approved protective fencing shall be installed prior to the commencement of development and shall remain in place throughout construction. For the avoidance of doubt no materials, vehicles, ground level changes or service runs shall be carried out within the tree protection area unless the prior agreement of the Council as Planning Authority is obtained.
9. Prior to the commencement of the development hereby approved, samples of all proposed surfacing, external facing and roofing materials shall be submitted to the local Planning Authority for approval; thereafter unless otherwise agreed by the local Planning Authority in writing, only approved surfacing, external facing and roofing materials shall be used in the development.

#### **Justification**

The weight attached to bringing this site forward for development remains; accordingly the proposal should be approved with conditions.

#### **Procedural Note**

There is a requirement for a commuted sum associated with affordable housing to be paid. The decision notice should not be issued unless the commuted sum has been paid upfront or if it has been secured via a legal agreement.

#### **Informatives**

1. The Planning Permission in Principle for this development will lapse on the expiration of 2 years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained)



- unless the development to which the permission relates is begun before that expiration.
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. 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 your 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.
  4. 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.
  5. No work shall be commenced until an application for building warrant has been submitted and approved.
  6. Should the development not be commenced within 3 years of the decision the affordable housing element of the scheme will need to be reappraised if there was an application for renewal of the planning permission.
  7. 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.
  8. 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.

**9. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.**

Second Amendment (Councillors H Anderson and I Campbell) – Refuse, for the reason that the reduction in the affordable housing contribution is unacceptable.

In accordance with Standing Order 43, a roll call vote was taken.

4 Members voted for the Second Amendment as follows:

Councillors H Anderson, I Campbell, A Jack and A Livingstone.

8 Members voted for the First Amendment as follows:

Councillors T Gray, B Band, A Gaunt, J Giacomazzi, C Gillies, J Kellas, M Lyle and G Walker.

The Second Amendment became the substantive Amendment.

8 Members voted for the Amendment as follows:

Councillors T Gray, B Band, I Campbell, A Gaunt, J Giacomazzi, J Kellas, M Lyle and G Walker.

4 Members voted for the Motion as follows:

Councillors H Anderson, C Gillies, A Jack and A Livingstone.

**Resolved:**

In accordance with the Amendment.

*COUNCILLORS B ELLIS AND C SHIERS LEFT THE MEETING AT THIS POINT*

- (ii) **12/02018/FLM – SCONE – Variation of time limit condition attached to planning permission 09/01311/IPM for erection of foodstore with associated landscaping, ancillary works, car parking and relocation of existing park and ride facility at land 50 metres north east of Scone Park and Ride Car Park David Douglas Avenue – A & J Stephen Limited – Report 13/76**

A Condliffe, Applications Team Leader, requested that, should the Committee be minded to approve the application, condition 1 be changed to become an Informative.

**Resolved:**

**Grant**, subject to the following condition and the previous condition 1 being changed to become Informative No 1:

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1. The reserved matters relating to planning approval 09/01311/IPM 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 5 years from the date of the original grant of outline planning permission dated the 6 January 2010.
  - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest.

**Justification**

There are sufficient material considerations that justify a departure from the current adopted Development Plan.

**Informatives**

1. The conditions contained in planning permission notice ref. 09/01311/IPM dated 6 January 2010 in respect of erection of a class 1 foodstore with associated landscaping, ancillary works, car parking and relocation of existing park and ride facility at Land 50 Metres north east Of Scone Park And Ride Car Park, David Douglas Avenue remain in full force and effect, except only insofar as expressly modified by condition No. 1 attached to this planning permission notice.
  2. The applicant should be aware that the issue of air quality will need to be addressed through an updated Traffic Assessment as part of any submission for approval of conditions.
- (iii) **12/02206/AMM – KILLIN – Variation of condition 6 of planning consent 10/01701/AMM (to allow the access to be provided with a bituminously bound surface only from the junction with the public road to Ivy Cottage), Lochtay Highland Lodges, Killin – R Barrett – Report 13/77**

**Resolved:**

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

1. The existing private access track within the application site between the junction with the A827 and Ivy Tree Cottage shall be provided with a bitumen bound surface within 12 months of the date of this consent all to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing.

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**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. 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 your 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 conditions attached as part of planning application 10/01701/AMM remain relevant and should be adhered to.

**(3) Local Applications**

- (i) 12/02143/FLL – KINDALLACHAN – Modification of existing consent (10/00219/FLL) for variation of Conditions 7 and 8, Morven, Kindallachan, Pitlochry – Mr and Mrs W Laing – Report 13/78**

Mr A McCafferty, agent on behalf of the applicant, accompanied by Mr A Laing, applicant, and Mrs D Sinclair, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Councillor B Vaughan, one of the elected members for Ward 5, addressed the Committee, and, following her representation, withdrew to the officers' benches.

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Motion (Councillors T Gray and B Band) – Refuse, for the reasons given in Report 13/78.

**Amendment (Councillors J Kellas and H Anderson) – Grant, subject to the following conditions:**

1. The building hereby approved shall be used solely for the purposes of the storage and maintenance of the applicant's forestry equipment. No repairs or operation of such equipment and machinery is permitted. The doors within the western elevation shall be kept closed when maintenance is undertaken within the building to the satisfaction of the Council as Planning Authority.
2. Maintenance work as described in condition 1 above shall only take place within the shed and shall not take place outwith 0700 hours to 1900 hours Monday to Friday and 0800 hours to 1300 hours Saturday with no maintenance work on Sunday.
3. No fabrication or welding shall take place on the site to the satisfaction of the Council as Planning Authority.
4. Any works in the maintenance of plant and equipment shall be 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 premises, with all windows slightly open, when measures and/or calculated and plotted on a Noise Rating curve chart.
5. Vehicular access and/or egress to/from the storage shed/site shall not take place outwith 0600 hours to 2100 hours Monday to Sunday to the satisfaction of the Council as Planning Authority.

7 Members voted for the Amendment as follows:

Councillors H Anderson, J Giacobazzi, C Gillies, A Jack, J Kellas, A Livingstone and G Walker.

5 Members voted for the Motion as follows:

Councillors T Gray, B Band, I Campbell, A Gaunt and M Lyle.

**Resolved:**

In accordance with the Amendment.

*COUNCILLOR B VAUGHAN LEFT THE MEETING AT THIS POINT.*

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**(4) Applications with Council Interest**

**(i) 12/01960/FLL – RATTRAY – Installation of biomass heating system at Rattray Primary School, High Street, Rattray – Perth and Kinross Council – Report 13/79**

**Resolved:**

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

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. Prior to the commencement of works, precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full, to the satisfaction of the Council as Planning Authority.
3. All associated plant or equipment associated with operation of the boiler shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, all to the satisfaction of the Council as Planning Authority.
4. The boiler shall only operate on fuel prescribed and stored in accordance with the manufacturers' instructions; the boiler, flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions and a written record retained of these activities.

**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

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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.
5. 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.

**(ii) 12/02138/FLL – ABERFELDY – Replacement and re-positioning of street furniture, The Birks, Aberfeldy – Perth and Kinross Council – Report 13/80**

**Resolved:**

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

1. The proposed development must be carried out in accordance with the approved plans unless provided for by conditions imposed on the planning consent.
2. Unless otherwise agreed in writing by this Planning Authority, samples of all external finishing materials shall be forwarded for the approval of the Council as Planning Authority prior to the commencement of work on site.

**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

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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.

**(iii) 12/02177/FLL – PERTH – Erection of sports hall, associated changing facilities, offices and classroom accommodation at Perth High School, Oakbank Road, Perth – Perth and Kinross Council – Report 13/81**

Councillor W Wilson, one of the elected members for Ward 10, addressed the Committee, and, following his representation, withdrew to the officers' benches.

**Resolved:**

**Grant**, subject to the following conditions and additional Conditions 5, 6 and 7 as undernoted:

1. The proposed development must be carried out in accordance with the approved plans herewith unless provided for by conditions imposed on the planning consent.
2. Unless otherwise agreed, samples of all external finishing materials shall be forwarded for the approval of the Council as Planning Authority prior to the commencement of work on site.
3. The hours of operation of the facility shall be 08.00 hours to 22.00 hours Monday to Sunday.
4. All plant or equipment, including any ventilation system, associated with operation of the proposed building 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a Noise Rating curve chart.
5. All existing trees and hedges shown for retention on plan 12/02177/2 shall be protected during construction works with all works adhering to British Standard "BS 5837:2012 – Trees in Relation to Construction" to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of works, full details of the exact specification and details of all infill planting shall be



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submitted and agreed in writing by the Council as Planning Authority.

7. Any planting which fails to become established shall be replaced by the next available planting season, unless otherwise agreed, 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. 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 your 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. No work shall be commenced until an application for building warrant has been submitted and approved.

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