

## DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 22 July 2009 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell, I Campbell, J Coburn (substituting for E Grant), J Flynn (substituting for C Gillies), A Jack, J Kellas, W Lumsden, M Lyle, H McDonald and S Miller.

In Attendance: Councillor L Simpson (up to and including Art. 384(3)); R Bean, A Condliffe, B Stanford, B McNaughton, G Peebles, K Stirton, C Brien (up to and including Art. 384(5)) and J Russell (up to and including Art. 384(2)) (all The Environment Service); C Elliott (Corporate Services) and Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors C Gillies and E Grant.

Councillor W Wilson, Convener, Presiding.

### 380. WITHDRAWAL OF APPLICATIONS

The Committee noted that the following applications had been withdrawn by the respective applicants:

- (1) **09/00495/FUL – TIBBERMORE – Change of use of former railway yard to wholesale, retail and storage of vans (in retrospect) at Duntanlich, Tibbermore – Mr and Mrs Horne – Report 09/346**
- (2) **09/00850/FUL – PITLOCHRY – Conversion of existing timber sheds to self catering apartment for holiday use ancillary to hotel at Pinetrees Hotel, Strathview Terrace, Pitlochry – Mr R Kerr – Report 09/350**

The Committee noted that the following application had been withdrawn from the agenda:

**09/00623/FUL – PERTH – Change of use from hairdressers to taxi office at 16 Leonard Street, Perth – John Dare – Report 09/348**

### 381. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor R Band declared a non-financial interest in planning application 09/00162/REM, Art. 385(2).

Councillor Coburn declared a non-financial interest in planning application 09/00623/FUL, although the Committee noted that application had been withdrawn from the agenda.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

**382. MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Control Committee of 17 June 2009 (Arts. 322-326) was submitted, approved as a correct record and authorised for signature.

**383. 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.
07/00848/FUL	384(1)
09/00162/REM	384(2)
09/00447/OUT	384(3)
09/00478/OUT	384(4)
09/00528/FUL	384(5)
09/00732/FUL	384(6)

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

**384. PLANNING APPLICATIONS FOR DETERMINATION**

- (1) **07/00848/FUL – SCONE – Change of use of land to form caravan site at land at Perth Aerodrome, Perth Airport, Scone – Morris Leslie Limited – Report 09/342**

A Condliffe, Applications Team Leader, advised the Committee that, should it be minded to approve the application, Procedure Note C on page 19 of Report 09/342 would no longer apply and should be removed.

Mr D Queripel, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposed use as a static caravan site, irrespective of the fact that the units would have an appearance similar to chalets, would be contrary to Policy 27 in the Perth Area Local Plan 1995 which operates a presumption against any additional static caravan sites within the Perth Area and would, even if considered as a chalet development, also be contrary to the Council's own Chalet and Timeshare policy, approved in 1997, which requires all isolated chalet sites to have on-site recreational provision which would not be provided for in this case.
2. SEPA have objected to the application as submitted on the grounds of inadequate drainage provision and the suggestions

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

for a revised drainage system involves land outwith the site which would require separate planning consent for which the applicant has indicated he is unwilling to apply at this time.

Councillor A Jack moved an Amendment that the application be deferred. Upon failing to find a seconder, the Amendment fell.

COUNCILLOR R BAND, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT.

**(2) 09/00162/REM – PERTH – Erection of 110 dwellings with associated access, car parking and landscaping, Perth College, Crieff Road, Perth – The Board of Management of Perth College – Report 09/343**

Brian Stanford, Team Leader, advised the Committee that the Report 09/343 should be amended as follows:

- On page 24, 3<sup>rd</sup> bullet point under paragraph 3, first line “36” be amended to “32”.
- On page 25, paragraph 12, 2<sup>nd</sup> line “June” be amended to “October” and “February” be amended to “August”, and on the 3<sup>rd</sup> line “2006” be amended to “2008”.
- On page 28, recommendation 12, 2<sup>nd</sup> line, “1997” be amended to “2007”.

Mr A Black, applicant, followed by Mrs F Reid, accompanied by Mr D McNaughton and Ms E Feltham, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Wilson and L Caddell) – Grant, subject to the following conditions:**

- 1. The development shall be begun no later than two years from the date of this consent or five years from the date of the outline consent, whichever is the later.**
- 2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. 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 and to the satisfaction of the Planning Authority.**
- 4. Prior to the occupation of houses the access from Crieff Road, to serve both Perth College and the northern part of the site, shall be constructed in the form of a roundabout on Crieff Road designed to the standard and specification required by the Council and to the satisfaction of the Planning Authority.**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

5. **Visibility splays of 4.50 metres x 90.00 metres, measured from the centre line of the new access from Crieff Road, shall be provided in both directions along the nearside channel of Crieff Road prior to the occupation of the development, and permanently maintained thereafter, free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.**
6. **No development shall take place within the southern half of this site, i.e. on the area occupied by the existing car park, until such time as alternative car parking facilities have been provided within the adjacent College grounds, to the satisfaction of the Planning Authority.**
7. **Prior to the occupation of houses any vehicular access from Appin Terrace to the south area of the site shall be formed in accordance with the Council's Roads Development Guide Type E Figure 5.8 access detail to the satisfaction of the Council as Planning Authority.**
8. **Prior to the commencement of the development on-site, Appin Terrace, between the new site entrance and its junction with Strathtay Road, shall be widened to give a minimum carriageway width of 5.50 metres and two 1.80 metre wide footways, with measures incorporated to restrict traffic speeds to 20 m.p.h. or less, to the standard and specification required by the Council, as Roads Authority, to the satisfaction of the Planning Authority.**
9. **No work shall commence until a detailed landscaping specification for the development has been submitted to the Planning Authority for approval. This plan, which shall make provision for the protection, during construction, of trees to be retained shall be implemented concurrently with the progress of development and thereafter the tree belts, planted areas and public open spaces shall be maintained to the satisfaction of the Planning Authority.**
10. **Details of finished floor levels, related to a suitable OS datum, shall be submitted to the Planning Authority for approval prior to the commencement of any work.**
11. **Samples of all finishing materials shall be submitted to the Planning Authority for approval prior to the commencement of work.**
12. **The proposals contained in the bat survey report by Wild Surveys Ltd, dated May 2007, shall be fully implemented to the satisfaction of the Planning Authority.**

**Informative**

**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.**

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

Amendment (Councillors J Flynn and A Jack) – Refuse, on the grounds that the three storey flats at the North part of the site would not be in keeping with the area, particularly with regard to height, massing and design.

Amendment – 2 votes

Motion – 10 votes

**Resolved:**

In accordance with the Motion.

COUNCILLOR R BAND RETURNED TO THE CHAMBERS AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

**(3) 09/00447/OUT – WOLFHILL – Residential development (in outline), site west of Fraser Avenue, Wolfhill – Mr C G Fenton – Report 09/344**

Brian Stanford, Projects Team Leader, advised the Committee that there is already a facility for a pick up and drop off area for buses and therefore proposed Condition 8 narrated in Report 09/344 could be deleted.

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

**Resolved:**

**Grant**, subject to the following conditions, and including amended Condition 4 as detailed, and taking into account the advice of the Projects Team Leader:

1. The following reserved matters, the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
  - (i) the expiration of three years from the date of the grant of outline planning permission.
  - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
  - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:
  - (i) Five years from the date of the permission; or
  - (ii) Two years from the date of the final approval of all reserved matters.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

4. This consent is in outline only for residential development and does not relate to a specific number of dwellinghouses. For the avoidance of doubt, therefore, the number of units is not hereby approved and should reflect the scale, density and character of Wolfhill.
5. Notwithstanding Condition 1 above, the dwellinghouses shall be of single storey in character with any upper level accommodation being provided entirely within the roofspace.
6. Prior to the occupation or use of the approved 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.
7. A 1.8 metres wide footway constructed to the standard and specifications required by the Council, as Roads Authority, shall be provided along the site frontage with the U128 Old Church Road to connect with the existing pedestrian facilities to the east of the site and implemented prior to the occupation of houses.
8. Prior to the occupation or use of the approved development 'Pick up and drop off' areas with associated two bay enclosed bus shelters for school children/bus passengers shall be provided on both sides of the U128 public road adjacent to the access to the development. The areas shall be a minimum of 6 metres long by nominally 1.8 metres wide kerbed and surfaced to the requirements of the Council, as Roads Authority, to the satisfaction of the Planning Authority.
9. 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.
10. The proposal must comply fully with the requirements of the Council's approved Affordable Housing Policy 2005.
11. The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary School Education and New Housing Developments (6 May 2009).

**Informatives**

1. 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. 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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

3. 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 and 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. The applicant should also be aware there is currently limited capacity at Wolfhill Wastewater Treatment Plant.

**(4) 09/00478/OUT – CLATHY – Erection of 3 dwellinghouses (in outline), land to the north west of Bearn Larach, Clathy – Hubbard and Mitchell Ltd and Mr and Mrs J Hally – Report 09/345**

Ms W Hubbard, joint applicant, followed by Mr D Anderson, Chairman of Findo Gask Community Association and Professor J H James, objectors 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 following reserved matters: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site shall be as approved by the Planning Authority.
2. The reserved matters shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:
  - (i) the expiration of three years from the date of the grant of outline planning permission.
  - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
  - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:
  - (i) Five years from the date of the permission; or
  - (ii) Two years from the date of the final approval of all reserved matters.
4. The site shall be served by the existing private access which shall be provided with intervisible passing places at approximately 50 metres centres. The access shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.
5. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

6. Prior to the occupation or use of the approved development the U51 public road, over a length of 6.00 metres immediately adjacent to the access, shall be widened to a minimum of 4.80 metres.
7. The gradient of the access shall not exceed 3% for the first 5.00 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.
8. Visibility splays of 2.50 metres x 70.00 metres, measured from the centre line of the new access, shall be provided in both directions along the nearside channel of the U51 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
9. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
10. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
11. Prior to the occupation or use of the approved development 'Pick up and drop off' areas for school children / bus passengers shall be provided on both sides of the U51 public road adjacent to the access to the development. The areas shall be a minimum of 6 metres long by nominally 1.8 metres wide, kerbed and surfaced to the requirements of the Council, as Roads Authority, to the satisfaction of the Planning Authority.
12. The proposed houses shall be a maximum of one-and-a-half storey scale and shall be designed to comply with the Council's approved Guidance on the Siting and Design of Houses in Rural Areas.
13. The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary School Education and New Housing Developments (6 May 2009).

The Committee unanimously agreed to the following additional condition:

14. This consent is in outline only for residential development and does not relate to a specific number of dwellinghouses. For the avoidance of doubt, the number of units is not hereby approved and should reflect the scale, density and character of Clathy.

**Informative**

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.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

(5) **09/00528/FUL – BALNAGUARD – Erection of 9 dwellinghouses and associated garages and formation of access road, land to the south of B898, Balnaguard – Caledonian Trust PLC – Report 09/347**

A Condliffe, Applications Team Leader, advised the Committee that, should it be minded to approve the application, that part of Paragraph 1 of Procedure Note B, with particular reference to primary education, would not apply and should be removed.

Mr I Gaul, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following conditions and taking into account the advice given by the Applications Team Leader:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the occupation or use of the approved 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.
4. 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.
5. All existing trees within the hatched area shown on drawing 526 Ip-03 shall be retained and maintained to the satisfaction of the Council as Roads Authority. No new fences, planting or obstructions shall be allowed in this area without the prior written agreement of the Council as Roads Authority.
6. The proposed render for the walls of the buildings shall be a wet dash render the colour of which to be submitted and agreed in writing by the Council, as Planning Authority, prior to the commencement of works.
7. A sample of the proposed roof slate shall be submitted for the prior approval in writing of the Planning Authority.
8. The final levels of the dwellinghouses must take full account of the flood risk associated with the existing water course which is in close proximity to the site. Details of the finished floor levels of the houses shall be submitted and agreed in writing by the Council, as Planning Authority, prior to the commencement of works.
9. The footpath through the site shown on drawing number p 01 shall be retained and maintained free from obstruction allowing

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

- public access to the satisfaction of the Council as Planning Authority.
10. Prior to the commencement of construction, a full detailed construction method statement shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include:
    - Pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
    - Storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods.
    - Construction site facilities, including extent and location of construction site huts, vehicle equipment and materials compound.
    - Timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning.
  11. Prior to the commencement of works, evidence shall be submitted and agreed in writing by the Council, as Planning Authority, to show how the water quality of the River Tay shall be maintained at its current level and not be adversely affected by the proposed development hereby approved.
  12. The garage footprints within plots 1 and 3 and part of the garage within plot 2 are within the identified flood plain extent. Details of the proposed land raising of these areas to provide the appropriate finished floor levels for these buildings, and flood resilience measures to be incorporated into the building design, shall be submitted and agreed in writing by the Council, as Planning Authority, prior to the commencement of works on this part of the site.
  13. Prior to the occupation of any dwelling the boulders on the western extent of plot 3 shall be removed.
  14. All trees which are to be retained on-site shall be protected by stout fencing enclosing an area to protect the ground and roots as described in British Standard BS 5837 2005 - *Trees in Relation to Construction*. Such fencing must be erected before any material or machinery is brought on the site and before any demolition or development, including erection of site huts, has commenced. Once erected, fences shall be regarded as sacrosanct and should not be removed or altered without the prior consultation with the Council as Planning Authority. The fence shall be at least 1.2 metres high. Close to intensive areas of construction the fence shall be 2.4 metres high. 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.
  15. Services shall be grouped together in the same trench wherever possible and must be positioned outwith the canopy spread of the trees to be retained. Trenches and services shall be in

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

- accordance with BS 5837 2005 - *Trees in Relation to Construction*. The location of services must be shown on the site layout and working drawings, a copy of which to be submitted and agreed in writing by the Council, as Planning Authority, prior to the commencement of works.
16. The ground levels beneath the canopy spread of the trees to be retained shall not be altered. Any proposed change in ground level must be shown on the site layout and working drawings, a copy of which to be submitted and agreed in writing by the Council, as Planning Authority, prior to the commencement of works.
  17. The location of the materials stores shall be shown on the site layout and working drawings and must be outwith the canopy spread of the trees to be retained. A copy of the site layout and working drawings to be submitted and agreed in writing by the Council, as Planning Authority, prior to the commencement of works.
  18. The wastewater treatment plant shall be located outwith the 1:200 year flood envelope. Details of the exact position, including level, shall be submitted and agreed in writing prior to the commencement of works.
  19. Demolition of the shed shall not be undertaken in the winter months November - February inclusive to the satisfaction of the Council as Planning Authority.
  20. Immediately prior to the demolition of the shed when the present contents have been removed, an inspection for evidence of bats and at least dusk or dawn bat activity survey shall be undertaken by a qualified expert to observe any bats emerging from, or entering, the structure. Details of the survey findings shall be submitted and agreed in writing by the Council, as Planning Authority, prior to the demolition of the shed.
  21. Prior to the commencement of development full details of the stone walls (including position, height and details of the stone) and fences (including position, height, design and finish) shall be submitted for the further agreement in writing by the Council as Planning Authority.
  22. The colour of any timber to the walls of the houses shall be painted or stained a dark recessive colour, the details of which to be submitted and agreed in writing by the Council as Planning Authority.
  23. The existing phone box shall be repositioned adjacent to the repositioned bus shelter unless otherwise agreed in writing by the Council as Planning Authority.
  24. No development shall take place within the development site 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

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

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.

**Procedural Notes**

1. Planning permission is not to be issued until the necessary contribution for affordable housing has been paid or a Section 75 legal agreement is signed to ensure the payment.
2. Planning permission is not to be issued until the applicant advises of the means of maintenance of the areas of public open space in line with the Council's adopted policy on the maintenance of open space.

**Informatives**

1. The applicant is 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 (SEPA).
2. 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 SEPA.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
5. There is evidence of Japanese Knotweed present on the site. This is an invasive species which requires a licence from SEPA for its disposal. There is also evidence that hogweed was present on the site and, whilst it has died off, it is too early to tell if it will come back. The applicant is reminded of his duty to comply with SEPA guidelines.
6. If any bats are found on the site during construction works the applicant is advised that a licence must be obtained from the Scottish Executive Environment and Rural Affairs Department (SEERAD). The Wildlife and Countryside Act 1981 provides special protection for all species of bat. Bats are further protected under Regulation 39(1) of the Conservation (Natural Habitats & etc.) Regulations 1994. This means it is illegal deliberately to kill bats or deliberately to damage or destroy bat roosts or disturb bats in their roosts.

PERTH AND KINROSS COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
22 July 2009

7. Authorisation for the Biodisc Treatment Plant will be required under the Water Environment (Controlled Activities)(Scotland) Regulations 2005 (as amended) for the disposal of sewage effluent to the environment.
8. The developer is advised to contact Mr David Strachan, Archaeologist, to discuss terms of reference for work required: Tel 01738 477080.

**(6) 09/00732/FUL – KENMORE – Modification of existing consent (07/01739/FUL) to remove condition 23 at Taymouth Holiday Centre, Kenmore – D Menzies and Partners– Report 09/349**

Mr R Menzies, on behalf of Taymouth Holiday Centre, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors W Wilson and M Lyle) – Refuse, for the reasons contained in Report 09/349.

**Amendment (Councillors J Kellas and K Lyall) – Defer, to allow Planning Officers to provide further information on the options available to the Council in relation to Condition 23 of consent 07/01739/FUL, including requesting an appropriate Report to the Enterprise and Infrastructure Committee.**

Amendment – 11 votes

Motion – 2 votes

**Resolved:**

In accordance with the Amendment.

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