

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 5 May 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, R Brock, T Gray, D Illingworth, I James, T McEwan, L Simpson, R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, A Condliffe, J Scott, L MacLean, L Reid and R Stewart (all Communities); C Elliott, L Brown, A Brown, M Pasternak and C Wright (all Corporate and Democratic Services).

Apologies: Councillors C Reid.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 7 April 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

There were no deputations to be considered, however it was noted that the architect and a representative from Education and Children's Services would be present for Item 5(1)(ii) to answer members questions.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 20/01770/FLM - ABERNETHY - Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works, land 100 Metres South of Jamesfield Garden Centre Abernethy – Report 21/57 – Scottish Hydro Electric Transmission Plc**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

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.
Reason: To ensure a satisfactory development as indicated on the submitted drawings
2. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening or traffic management, must similarly be approved.
Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.
3. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.
Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.
4. Prior to the commencement of development, a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the A913 Aberargie – Newburgh Road and U75 Ferryfield Road whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth and Kinross Council.
Reason: In the interests of road safety.
5. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;

- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of proper site management

6. Prior to commencement of any development on site, a detailed design for the passing place and vehicle access on the U75 shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing place and vehicle access, as approved in writing, shall be constructed prior to or during the second key task outlined in the *Transport Statement: PT379 Abernethy Substation (SSE, October 2020; Page 5)*, "Establishing a suitable laydown area for materials and build temporary access tracks", in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety and free flow traffic.

7. Prior to the commencement of works the requirement for, or extent of, any temporary removal or lowering of bridge parapets, boundary walls and structures adjacent to the public network and the temporary hardening of verges to aid the passage of abnormal loads and construction vehicles

shall require Technical approval from Perth & Kinross Council.

Reason: In the interests of road safety and the safe transportation of the abnormal load.

8. 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.

Reason: In the interests of residential amenity.

9. The conclusions and recommended action points within the supporting Biodiversity Assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

10. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To protect ecological interests.

11. Prior to commencement of development, a pre-works check must be undertaken by a suitably trained and experienced ecologist to ascertain the presence of protected species and submitted for the approval of the Planning Authority.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

12. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

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. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The 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 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. In accordance with 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
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
8. A record of condition of the structures as well as roads should be prepared prior to the commencement of development and Perth & Kinross Council Structures Inspector should be invited to attend the inspection to agree the baseline.

9. Final approval of any abnormal loads will be required formally from Perth & Kinross Council's Structures department. For the avoidance of doubt, it should be noted that the bridge carrying the A913 over the Edinburgh to Perth via Fife railway line, Greenside Railway Bridge, is a Network Rail asset and they may have their own approval processes for assessment under abnormal loads.
10. An application for Building Warrant may be required.

(ii) 21/00096/FLM - PERTH - Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works, North Muirton Primary School, Uist Place, Perth – Report 21/58 – Perth and Kinross Council

B Reid (Education and Children's Services) and S Boyle (Architype), both on behalf of the Applicant, answered members questions via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

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.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. 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.
Reason: In order to safeguard the residential amenity of the area.
3. 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 a degree that it does not adversely affect the amenity of the neighbouring land.
Reason: In order to safeguard the residential amenity of the area.
4. Development shall not commence until a full site-specific Construction Method Statement (CMS) is submitted for the written agreement of the Council as Planning Authority in consultation with Environmental Health. The CMS shall include a Dust Management Plan (DMP) for the control of dust and noise mitigation measures for the control of noise

at the demolition/construction stages. The DMP shall also include procedures that may affect the AQ(PM) Real Time Monitor. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

5. Noisy Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In order to safeguard the residential amenity of the area.

6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority. 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.

Reason: To ensure the provision of effective drainage for the site.

7. 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.

Reason: To ensure the provision of effective drainage for the site.

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 Sustainable Urban Drainage System principles shall be implemented for the 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.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

9. Prior to the occupation or use of the building, a Flood Action Plan shall be prepared for the site and submitted for the agreement in writing of the Planning Authority in consultation with the Council's Structures and Flooding Section. This should detail access and egress arrangements during a flooding event. The Plan as approved shall be implemented in full.

Reason: The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

10. The Finished Floor Level of the replacement North Muirton Primary School shall be a minimum of 7.55m Above Ordnance Datum, as stated in Section 3.0 of the Flood Risk Assessment dated 11 January 2021 plan ref (prepared by Goodson Associates P13704 - Rev A).

Reason: The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

11. 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.

Reason: The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

12. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 2 November 2020 plan ref 30 submitted and hereby approved, shall be fully adhered to, respected and undertaken as part of the construction phase of development (Particular attention is drawn to Section 8: Impact Assessment).

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

13. Prior to the commencement of development hereby approved, details of the location and specification of the six swift nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the six swift nest boxes or bricks shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

Reason: In the interests of protecting environmental quality and of biodiversity.

14. Prior to the commencement of development hereby approved, details of the location and specification of the four triple house sparrow nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the four triple house sparrow nest boxes shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

Reason: In the interests of protecting environmental quality and of biodiversity.

15. All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

16. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

17. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

18. No part of the development shall be occupied until a School Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

19. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 94 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

20. Prior to the occupation or use of the approved development a secure scooter parking facility for a minimum of 30 scooter spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

21. Prior to the occupation or use of the approved development a minimum of four electric charge bays shall be provided

within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage the shift to alternative fuelled vehicles.

22. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

23. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - i) details of information signs to inform other road users of construction traffic;
 - j) arrangements to ensure that access for emergency service vehicles are not impeded;

- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of proper site management.

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. 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 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. In accordance with Regulation 41 the notice must be:
3. 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. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
5. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. SEPA operate an advance flood warning system that helps the Council facilitate the timely closure of the flood gates. The early warning system is supplemented by the Council's telemetry system that monitors various watercourses in the Perth area to provide additional flood warning alarms and river level data.
9. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
10. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
11. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
12. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the

Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

13. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
14. The Street lighting column that is present at the site discussion must be had with the Street Lighting Partnership to obtain the locations of plant and the possible relocation of the lighting column. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

(2) Proposal of Application Notices (PAN)

(i) 21/00002/PAN - ESSENDY - Extension to quarry, Marlee Quarry, Essendy – Report 21/59

Councillor James requested that consideration be given to Policies 38A(b); 41, in particular the habitat for beavers and otters in the area; 45B in relation to the Lunan Loch catchment area; 49A, in particular in relation to mineral extraction; 50 and 56 in relation to prime agricultural land and the impact of noise pollution for properties adjacent to the proposed application.

Councillor Brawn requested particular consideration be given to transport issues with regard to lorries crossing Essendy Road to access both quarry sites and the possible use of Palace Road as a rat run. The impact on the area in relation to noise and air quality and the archaeological matters be taken into account in relation to the Bronze age site.

Councillor Wilson requested account be taken to traffic and road safety issues, water resources and soils and to reinstatement.

Councillor Simpson requested the residents of Palace Road are directly consulted both on the possibility of a rat run and that they are close to the site of the proposed application.

The contents of the Head of Planning Development's Report were noted.