

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 13 January 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, T Gray, D Illingworth, I James, T McEwan, C Purves, C Reid, W Robertson, R Watters, M Williamson and W Wilson.

In Attendance: K Smith, J Scott, D Salman, A Rennie, A Belford, and L Reid (all Communities); C Elliott, D Williams, A Brown, M Pasternak, C Wright and L McGuigan (all Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

IN MEMORIAM

Prior to the commencement of business, the Convener led tributes to Councillor Henry Anderson, member of the Planning and Development Management Committee Convener of the Local Review Body, following his untimely passing in December 2020. The sympathy and best wishes of all were extended to Councillor Anderson's family at this sad time

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

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 15 December 2020 was submitted and approved as a correct record.

4. DEPUTATIONS

There were no deputations to be considered.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/02033/IPM - PERTH - Employment use development (Class 4, 5 and 6) and associated works (LDP2 allocated site E38), land south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Report 21/1 –**

Mr J Scott introduced the report, including showing stills, and provided the following update:

Condition 4 – Second line, the reference to Condition 1(v) of reserved matters specified should be Condition 1(iv).

Resolved:

Grant, subject to the following conditions and informatives:

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the In-Principle Permission (19/02033/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 15 years.

Reason: This is a modification of an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Conditions

1. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a detailed updated phasing and delivery plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design and specification (including the disposal of surface water) and related structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided;
 - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these

- technology types are, their location and ongoing operation and maintenance;
- (vii) details of any landscaping, structure planting and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) noise impact assessment;
 - (x) lighting details;
 - (xi) bin storage, collection location, recycling facilities provision and access;
 - (xii) biodiversity action plan;
 - (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
 - (xiv) archaeological working scheme of investigation;
 - (xv) finished floor levels;
 - (xvi) vehicular access and egress road levels.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Subject to the exemption referred to immediately hereafter, the development shall accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with regards to Transport Infrastructure. Notwithstanding these requirements, the Planning Authority will allow the first 10,000 sqm of Class 4, 5, or 6 of Gross Internal Area (as defined in the Developer Contributions and Affordable Housing Supplementary Guidance 2016), approved as part of a future Approval of Matters Specified in Conditions application(s), to be exempt from these Developer Contributions.

Reason: To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with the Development Plan policy and Supplementary Guidance relating to this application, but with appropriate mitigation to reflect economic conditions.

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an assessment of the potential impact that the development would have on the safe and efficient operation of the A9 Broxden Roundabout shall be submitted to, and agreed in writing by, the Planning Authority, in consultation with Transport Scotland.

Where the conclusions of the assessment identify that the potential impact of the development is considered significant by Transport Scotland, the applicant shall be required to agree, before the commencement of development, appropriate mitigation for the A9 Broxden Roundabout to address this impact.

Reason: To ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), 1 all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

5. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. The GTP will have particular regard to provision for walking; cycling; public transport access to and within the site; electric vehicle (EV) charging points and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The GTP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of sustainable transport.

6. 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 (CTMS) 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 interests of road safety.

7. Prior to the development hereby approved being completed or brought into use, new public transport infrastructure, suitable to serve buses in both directions on Ruthvenfield Road as well as two-way bus movements internally within the site, are to be provided and available for use to a design and specification to the satisfaction of Perth & Kinross Council as planning authority.

Reason: In the interests of public transport provision.

8. As part of any application for the Approval of Matters Specified by Condition (AMSC), a scheme for a new shared path of an appropriate standard along an agreed section of Ruthvenfield Road shall be submitted for the written approval of the Council as Planning Authority. The approved scheme shall thereafter be fully installed prior to any part of the development being brought into use.

Reason: In the interests of road and pedestrian safety.

9. 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 outwith these times or at any time on Sundays or bank holidays.

Reason: To ensure a satisfactory standard of local environmental quality.

10. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an updated Construction Environment Management Plan (CEMP) including a detailed Dust Management Plan for the construction stage, detailing prevention control and mitigation measures for dust, shall be submitted for the approval of the Council as Planning Authority. Thereafter the

agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed noise impact assessment must be prepared by a suitable qualified consultant and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

12. All external lighting included within Approval of Matters Specified by Condition (AMSC) applications sought under Condition 1 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: To ensure a satisfactory standard of local environmental quality.

13. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard archaeology in the area.

14. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for the site shall be submitted for the approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical

Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality;

15. As part of any application for the Approval of Matters Specified by Condition (AMSC), a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

16. The conclusions and recommended action points within the supporting Biodiversity Survey by ECOS Countryside Services LLP (December 2019) are hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

17. 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 ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

18. As part of any application for the Approval of Matters Specified by Condition (AMSC), detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: In the interests of flood risk.

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 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.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. 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.
4. 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.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
6. 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.
7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
9. The applicant is advised that the granting of planning permission 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Environmental Impact Assessment (EIA) Decision

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The application submitted an EIA Report dated December 2019. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.

The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The significant effects on the environment were identified to be:

- Scheduled Monuments
- Archaeology
- Flood Risk
- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport

The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Assessment of impact on Scheduled Monument
- Archaeological evaluation
- Flood Risk Assessment
- Air Quality Assessment
- Noise Assessment
- Habitat Assessment
- Tree Survey
- Draft Construction and Environment Management Plan (CEMP)
- Transport Assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 as set out herein, the proposal is acceptable and can be approved.

5(2) Proposal of Application Notices (PAN)

- (i) **20/00010/PAN - PERTH - Masterplan comprising residential development, extension to hotel, erection of hotel accommodation units, staff accommodation units, spa facility, golf training and indoor sports building, formation of camping grounds, outdoor sports grounds, photovoltaic sites, access roads, SUDS ponds, landscaping and associated works, Murrayshall House Hotel, Murrayshall, Perth – Report 21/2**

Councillor Wilson requested that consideration be given to Policies 9, 14, 15, 19, 38, 39, 40, 56 and 60 of the Perth and Kinross Local Development Plan 2 (2019). With particular reference to Policy 60, Councillor Wilson requested that consideration be given to access and traffic at Murrayshall and in Scone. Councillor Wilson also requested that clarification be provided on provision for campervans and Active Travel considerations.

Councillor Purves requested that, should an Environmental Impact Assessment be required, that a habitat survey comes forward in advance of any application.

Councillor Barnacle highlighted that the masterplan should respect the ambiance of the site.

Councillor McCall requested that viability be specifically considered.

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

(ii) 20/00011/PAN - PERTH - Formation of energy storage facility comprising battery storage container units, ancillary equipment, boundary treatments, landscaping and associated works, land south west of Noahs Ark, Old Gallows Road, Perth – Report 21/3

Councillor Wilson requested that consideration be given to traffic impact on Perth City North and Perth City South wards, and that the consultation process include councillors from both of those wards and Almond and Earn ward. Councillor Wilson also requested that consideration be given to neighbouring land uses, flooding and drainage, and future access to the site.

Councillor James requested that safety and security be considered, with specific regards to access for the fire and rescue service.

Councillor Illingworth requested that screening of containers be considered.

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