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2018

Book 5

MINUTES OF MEETINGS FROM

18 September 2018 – 21 November 2018

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PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 18 September 2018 at 10.30am.

Present: Councillors L Simpson, H Anderson and R Watters.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien and M Porter (Housing and Environment); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

515. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

516. MINUTE

The minute of meeting of the Local Review Body of 21 August 2018 was submitted and noted.

517. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(541) - Planning Application – 18/00133/FLL – Erection of 2 dwellinghouses on land 100 metres north west of Glendy Steading, Glenfarg – Mr and Mrs P Sloan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 2 dwellinghouses on land 100 metres north west of Glendy Steading, Glenfarg.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of 2 dwellinghouses on land 100 metres north west of Glendy Steading, Glenfarg, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conservation or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
 - 2. The proposal is contrary to Policy PM1A, Placemaking, of the Perth and Kinross Local Development Plan 2014, as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.
 - 3. The proposal is contrary to Policy ER6 (b) and (c) of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and may set a precedent for further development in the area.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

(ii) TCP/11/16(545) - Planning Application – 17/00836/IPL – Erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute – Mr J Hamilton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute, be refused for the following reasons:
 - 1. As the site does not have an acceptable landscape framework which provides suitable site containment for the development proposed, the proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014, and the Council's Housing in the Countryside Guide 2012. Both the policy and guidance only support new housing developments which extend existing building groups into definable sites which have a suitable site containment and landscape setting.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

(iii) TCP/11/16(546) - Planning Application – 17/00837/IPL – Erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute – Mr J Hamilton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute, be refused for the following reasons:
 - 1. As the site does not have an acceptable landscape framework which provides suitable site containment for the development proposed, the proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014, and the Council's Housing in the Countryside Guide 2012. Both the policy and guidance only support new housing developments which extend existing

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building groups into definable sites which have a suitable site containment and landscape setting.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

(iv) TCP/11/16(547) - Planning Application – 17/00840/IPL – Erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute – Mr J Hamilton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute, be refused for the following reasons:
 - 1. As the site does not have an acceptable landscape framework which provides suitable site containment for the development proposed, the proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014, and the Council's Housing in the Countryside Guide 2012. Both the policy and guidance only support new housing developments which extend existing building groups into definable sites which have a suitable site containment and landscape setting.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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(v) TCP/11/16(548) - Planning Application – 17/00841/IPL – Erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute – Mr J Hamilton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 70 metres south east of New Mains Farmhouse, Inchtute, be refused for the following reasons:
 - 1. As the site does not have an acceptable landscape framework which provides suitable site containment for the development proposed, the proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014, and the Council's Housing in the Countryside Guide 2012. Both the policy and guidance only support new housing developments which extend existing building groups into definable sites which have a suitable site containment and landscape setting.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

(vi) TCP/11/16(549) - Planning Application – 18/00584/FLL – Alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth – Perth Bridge Club

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to submit revised site and existing and proposed elevation drawings to remove the ambiguities with the existing drawings, and the details of the proposal and the discrepancies between the existing and proposed measurements of the front wall and gate and the drawings currently before the Local Review Body;
- (iii) the Appointed Officer and applicant be requested to comment on the safety aspects of vehicles reversing into and out of the proposed parking area;
- (iv) following the receipt of all requested further information, the application be brought back to the Local Review Body.
- (v) Councillors Simpson, Anderson and Watters to comprise the membership of the Local Review Body for the second consideration of this review.

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 26 September 2018 at 10.00am.

Present: Councillors R McCall, M Barnacle, B Brawn, H Anderson, B Band, D Doogan (substituting for Councillor T Gray), E Drysdale, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, A Belford, L Reid and D Salman (all Housing and Environment); C Elliott, D Williams and S Richards (Corporate and Democratic Services).

Apologies: Councillors H Coates, T Gray and I James.

Councillor R McCall, Convener, Presiding.

### **518. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **519. DECLARATIONS OF INTEREST**

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

### **520. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 29 August 2018 (Arts. 468-472) was submitted, approved as a correct record and authorised for signature.

### **521. DEPUTATIONS**

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

**Planning Application No.**  
18/01185/FLL  
18/01191/FLL

**Art. No.**  
522(1)(ii)  
522(1)(iii)

**522. APPLICATIONS FOR DETERMINATION**

**(1) Local Applications**

- (i) 18/00595/FLL - PITLOCHRY - Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, Westlands Hotel, 160 Atholl Road, Pitlochry, PH16 5AR – Report 18/294 – Westlands Hotel**

**Resolved:**

**Grant**, subject to the following terms, 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. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. 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 retained and 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. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.  
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Council as Planning Authority
4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme

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for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density 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 - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

6. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the accommodation hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

7. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

8. The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished. Thereafter the proposed staff accommodation at the rear

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of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.

Reason - In order to control and restrict the use of the building.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. For information, foul flows only will be allowed to discharge to the public drainage system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
5. 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

**(ii) 18/01185/FLL - GUAY - Erection of 2 holiday accommodation units and 3 camping pods, Tay View Lodges, Guay – Report 18/295 – Mr D Morton**

Mr Morton, applicant, address the Committee, and, following his representation, withdrew to the public gallery.

**Resolved:**

**Grant**, subject to the following terms, 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. The development hereby approved comprising the two lodges and three camping pods, shall be used solely for holiday accommodation and shall not be used as the sole or main residence of any occupant with the exception of the lodge located to the west of the site (Lodge Type 2) which can also be used as permanent staff accommodation by a person employed in the associated business or a family member of such a person residing with him or her.

Reason – In order to clarify the terms of the permission; to control and restrict the use of the buildings.

3. Prior to the commencement of the development hereby approved, details of the proposed parking area and track within the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

**Justification**

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

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**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. An application for Building Warrant may be required.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>
6. The applicant is advised that the pods and possibly the lodges (depending on the construction and size) will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It would therefore be necessary for a caravan site licence to be obtained for the site before the pods are first brought into use and the site would need to comply with the caravan model standards for holiday use. The applicant should seek further advice from the Council on whether the lodges would also need to be licenced in terms of the Caravan Sites and Control of Development Act 1960.
7. The stove(s) should be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer.



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**(iii) 18/01191/FLL – BLACKFORD – Alterations and extension to rail yard, including associated works (revised design and layout and addition of welfare cabin), Yard, Moray Street, Blackford – Report 18/296 – Highland Spring Group**

Mr J Scott provided the following information:(i) in paragraph 2 on page 64 the name of the road is incorrectly referred to as B801 but is correctly referred to as B8081 in the rest of the Report, and (ii) Condition 19 should be amended to add “to the satisfaction of the Council as Planning Authority”.

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

**Resolved:**

**Grant**, subject to the following terms, 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 external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land, woodland or watercourses and that light spillage beyond the boundaries of the site is minimised. No illumination of the site is permitted out with the operational hours outlined in condition 3 of this consent.  
Reason – In order to safeguard the residential amenity of the area.
3. The hours of operation of the site and all associated operations shall be strictly limited to 07:00 to 22:00 Monday to Friday and 08:00 to 17:00 either Saturday or Sunday in any given week, other than between 06:00 and 07:00 Monday to Friday and between 07:00 and 08:00 on either Saturday or Sunday in any given week, where one train is permitted to access the site for the purpose of decoupling and parking.  
Reason – In order to safeguard the residential amenity of the area.
4. Noise levels shall be limited to 44dB LAeq 1 hour at any residential property when measured in accordance with BS4142:2014 to the satisfaction of the Council as Planning Authority between 07:00 and 22:00. Between

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06:00 to 07:00 Monday to Friday noise levels attributed to the operation of train arrival shall be limited to 42dB LAeq15mins at any residential property when measured and corrected as necessary in line with BS4142:2014.

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

5. No part of the authorised development may be brought into use until a written scheme has been submitted to and approved in writing by the Council as Planning Authority for the monitoring of noise generated during the operational phase of the development. The scheme must specify the location from where noise will be monitored, the method of noise measurement and identify maximum noise levels appropriate to each location in accordance with the wording of condition 4 above. The monitoring programme as agreed in writing will be subject to annual review to establish the frequency of noise monitoring and the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 4 above, all operations on site shall cease until a scheme of mitigation has been submitted to and agreed in writing with the Planning Authority. The mitigation measures, as agreed, shall be implemented on site to the satisfaction of the Planning Authority. Testing of the crane prior to operations commencing is permitted subject to prior written agreement with the Planning Authority.

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

6. In the event that justified complaints for noise nuisance are received by the Council the applicant, unless otherwise agreed within the Planning Authority, at its own expense, shall employ a consultant approved by the Planning Authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment will be carried out to an appropriate methodology agreed within the Planning Authority and the results of the assessment will be submitted to the Planning Authority within 28 days of the assessment. Those results must include a comparison of measured data with the requirements of the above conditions and all data which was collected in the Noise Impact Assessment associated with this application. The results of these assessments shall feed into the monitoring and mitigation referred to in condition 5 above.

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

7. Prior to the crane being brought into use, full details of the enclosure of the crane plant equipment shall be

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submitted to and approved in writing by the Council as Planning Authority. This shall be based upon the details included within the Noise Assessment dated 22 January 2016 submitted with application 15/01637/FLL (ref: 15/01637/45) and shall ensure that the level of noise mitigation offered is met. The details as approved in writing shall be implemented as part of the site development and put in place prior to the operational use of the crane.

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

8. The acoustic barrier outlined within Noise Assessment dated June 2018 (ref: 18/01191/34) and outlined on the site plan (18/01191/2) shall be installed in its entirety prior the commencement of any operations on site and retained to the satisfaction of the Council as Planning Authority. The fence shall be coloured olive green to match the crane and shall provide a continuous acoustic barrier along the southern boundary of the site to the satisfaction of the Council as Planning Authority.

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

9. No audible alarms are permitted for use on the site.

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

10. Prior to the commencement of any operations on site, a noise management plan shall be submitted to, and approved in writing by, the Council as Planning Authority to minimise the impact of noise on local receptors.

Thereafter, details and mitigation outlined in the noise management plan as approved shall be implemented on site in full.

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

11. All containers on the site shall be stacked at a maximum of 2 in height to the satisfaction of the Council as Planning Authority.

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

12. Prior to the commencement of any development, final details of the compensatory storage and channel alteration to be undertaken to replace the volume of floodplain lost as outlined in JBA Consulting Flood Risk Assessment dated June 2018 (or any updated Flood Risk Assessment approved in writing by the Planning Authority and SEPA) shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.

The details, as approved in writing, shall be implemented as part of the site development and completed in full prior

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to the development being brought into use. The compensatory storage and channel alteration measures shall be retained in perpetuity.

Reason – In order to provide mitigation for development on the site and ensure appropriate compensatory storage for flood water is provided in accordance with national, regional and local policy.

13. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority 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 major commercial users 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;

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- 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 all to the satisfaction of the Council as Planning Authority.  
Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

14. Prior to commencement of development, a Construction Method Statement (CMS) detailing environmental mitigation measures including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority. This document shall take full account of the mitigation measures outlined in the Ecology Survey (ref: 18/01191/33). The CMS shall also include a detailed Dust Management Strategy which should identify activities which have the potential to generate dust and propose appropriate mitigation measures to ensure nuisance conditions do not occur at sensitive receptors. The CMS, as approved, shall be strictly adhered to during construction of the scheme.  
Reason – In order to protect the environment during construction operations.

15. Prior to the commencement of any operations on site a fully detailed Operational Traffic Management Plan shall be submitted to, and approved in writing by, the Planning Authority. This document shall include full details of how the site is intended to be operated taking into account the conditions and restrictions outlined within the consent hereby granted. It shall also provide full details as to how any small scale third party use of the site is to be implemented to minimise impact on the local community and control the amount of third party vehicles entering and leaving the site. The submission shall demonstrate that consultation with the local community has been undertaken in preparation of this plan and shall fully detail the outcome of this consultation process to demonstrate how matters raised by the local community are reflected within the plan. This operational plan shall be a fluid document which shall be updated to reflect any changes to the operation of the site, as determined by the Council as Planning Authority, and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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Reason – In the interests of residential amenity, pedestrian and traffic safety and to ensure the Council retains control over the operation, growth and third party use of the site.

16. Prior to the development hereby approved being completed or brought into use, 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.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

17. No part of the development shall be brought in to use until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council, as Planning Authority. The TP 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 encourage the use of sustainable modes of transport.

18. The landscaping and planting scheme indicated in approved documents 18/01191/3 and 39 shall be undertaken and implemented within the first planting season following completion of the development and maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity to ensure that adequate screening and landscaping containment for the development site is provided. To ensure that the partial loss of an area of designated open space is compensated for.

19. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number, to the satisfaction of the Council as Planning Authority.

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

20. Prior to the commencement of development where works would preclude the use of Core Path (BLFD/3) and asserted Right of Way (29/3), a detailed plan and phasing proposal for the diversion works to the core path and asserted right of way shall be submitted to and approved in writing by the Planning Authority. The plan(s) shall fully detail the temporary arrangements, timescales and proposals for the diversion work to ensure that continued

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access to the adjacent core paths across the railway are provided both during construction and operation of the site, until a suitable alternative route is available. The detailed plan(s) shall also include a full specification of the temporary path, associated fencing and signage to ensure that the specification of any temporary path, associated fencing and signage shall ensure that the specification shall be of an equivalent standard to the core path/right of way. The details, as approved in writing, shall be implemented as part of the development site and completed to the satisfaction of the Planning Authority prior to the site being brought into use.

Reason – To ensure continued public access along the core path/right of way and to ensure appropriate diversion routes are in place.

21. Upon commencement of use of the development hereby approved, the maximum number of containers to be both imported and exported by rail from site shall not exceed 68 daily.

Reason – In order to ensure control over the future growth of the site and in the interests of residential amenity and pedestrian and traffic safety.

22. All containers on the site under the direct control of the applicants shall be of a dark recessive colour, to the satisfaction of this council as Planning Authority.

Reason – In the interests of visual amenity and in order to limit the visual impact of the proposed containers and provide a better relationship to the background landscape.

23. A pre-development otter survey shall be undertaken to re-check the survey work undertaken and submitted with the application. This should ensure that there is no destruction of holts; no construction works are closer than 30m from an otter holt and no natal holts have been identified. If any of the above are found, the applicant will require a European Protected Species License from Scottish Natural Heritage (SNH). If any otter holts are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval in consultation with SNH. The mitigation measures, as approved shall be strictly adhered to during the development of the site.

Reason – To ensure the protection of otters on and around the site.

24. A pre-development survey of nesting and breeding birds shall be undertaken to establish if any nesting or breeding birds are present on site. If any nests are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval. The mitigation

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measures, as approved shall be strictly adhered to during the development of the site.

Reason – To ensure the protection of nesting and breeding birds.

25. All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

Reason – In order to prevent animals being trapped in open excavations.

26. The shunt vehicles between the development site and the adjacent Highland Spring factory shall be low emission, low noise vehicles and details of the exact type of vehicle to be used shall be submitted to, and approved in writing by, the Planning Authority. The details, as approved, shall be implemented as part of the site development and maintained thereafter, unless otherwise agreed in writing by this council as planning authority.

Reason – To reduce carbon emissions, meet Scottish Government targets and in the interest of residential amenity and to protect the amenity of Blackford Primary School.

27. All retained trees on the site and surrounding the site shall be protected during construction operations in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction". The protection scheme shall be installed immediately unless phasing has been proposed and approved. The approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until completion of the entire development. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason – In order to protect retained trees on and around the application site.

28. Prior to the commencement of any development full design details of the proposed Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details as approved shall be implemented on site as part of the site development and maintained in perpetuity. The SUDS design shall meet the requirement of the Simple Index Approach in the CIRIA SUDS manual (C753 2015).



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Reason – To ensure adequate provision of surface water drainage on the site.

**Justification**

The proposal fails to accord with the Development Plan but there are considered to be sufficient material considerations apparent to justify a departure from the Development Plan in this instance.

**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. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish

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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.

8. The developer should be aware of the regulatory requirements outlined in SEPA's consultation response dated 27 August 2018.
9. The diversion of the footpath required at the western end of the site will require a formal Diversion Order. The developer shall make contact with the Council's Countryside Access Officer to discuss this requirement and all requirements of the diversion order shall be in place prior to works commencing on the diversion.

**(iv) 18/01215/FLL - PITLOCHRY - Erection of a dwellinghouse, land north west of Corbie Lynn, Dysart Brae, Pitlochry – Report 18/297 – Mr C Stewart**

Mr D Niven advised that, if the Committee were to approve the application, Informative 11 is a repeat of Informative 5 and should be deleted.

**Resolved:**

**Grant**, subject to the following terms, 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. 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 B Figure 5.6 access detail, of Type B Road construction detail.  
Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
3. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

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Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection

Reason – In order to protect the existing trees on and adjacent to the site.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

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6. 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.
7. The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
10. The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner (s) prior to the commencement of the development.

**(2) Proposal of Application Notice (PAN)**

**(i) 18/00008/PAN – RATTRAY – Residential development, landscaping and associated works, land to the east of Honeberry Crescent, Rattray – Report 18/298**

Councillor McCall highlighted that concerns of local residents regarding the impact of traffic had been raised with Development Management.

Councillor Drysdale requested that the wider impact of aggregate traffic including in relation to Perth City and Bridgend in particular.

Members noted the issues identified by the Interim Development Quality Manager's report.

**(ii) 18/00009/PAN – AUCHTERARDER – Minerals extraction and processing activities (in part retrospect), including**

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**reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works, land south west of Arns Farm, Auchterarder – Report 18/299**

Members noted the issues identified by the Interim Development Quality Manager's report.

- (iii) **18/00010/PAN – PERTH – Demolition and erection of a sheltered accommodation building with facilitated care including restaurant, parking, landscaping and associated works parking, landscaping and associated works, The Atrium, 137 Glover Street, Perth – Report 18/300**

Councillor Wilson highlighted that the exit of the car park at The Atrium also serves as the exit for the neighbouring GP surgery, and requested that a solution was sought in this regard. Councillor Wilson also suggested the heavy traffic on Glover Street be considered.

Members noted the issues identified by the Interim Development Quality Manager's report.

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AUDIT COMMITTEE

Minute of meeting of the Audit Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 26 September 2018 at 2.00pm.

Present: Councillors E Drysdale, B Band, C Ahern (substituting for A Coates), S Donaldson, D Illingworth, X McDade and W Wilson.

In Attendance: G Taylor, J Clark, C Irons, S Mackenzie, M Morrison, A O'Brien and S Walker (all Corporate and Democratic Services); A Thomson (Housing and Environment)

Also in Attendance: A Shaw and C Windeatt, KPMG, External Auditors.

Apologies: Councillor A Coates.

Councillor Drysdale, Convener, Presiding.

523. WELCOME AND APOLOGIES/SUBSTITUTIONS

The Convener welcomed everyone to the meeting and an apology was noted as above.

524. DECLARATIONS OF INTEREST

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

525. MINUTE

The minute of meeting of the Audit Committee of 27 June 2018 (Arts.400-406) was submitted and approved as a correct record and authorised for signature.

It was noted that the external validation of the self-assessment of Internal Audit's compliance with the Public Sector Internal Audit Standards would be reported to the next Audit Committee on 7 November 2018.

526. DRAFT AUDITED ANNUAL ACCOUNTS 2017/18 AND DRAFT ANNUAL REPORT TO THE MEMBERS OF PERTH AND KINROSS COUNCIL AND THE CONTROLLER OF AUDIT FOR YEAR ENDED 31 MARCH 2018

There was submitted a report by the Head of Finance (18/301), presenting the Council's Draft Audited Annual Accounts for financial year 2017/18 in accordance with the Local Authority Accounts (Scotland) Regulations 2014 and including the Draft Annual Audit Report to the members of Perth and Kinross Council and the Controller of Audit for the Year Ended 31 March 2018 by the External Auditors (KPMG); and the Letter of Representation to the External Auditors from the Head of Finance.

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S Mackenzie referred to KPMG's annual report to 31 March 2018 which was submitted to the Audit Committee for approval and signature and would be submitted to the Council meeting on 3 October 2018 for noting.

S Mackenzie advised adjustments had been identified but these would have no impact on the resources available to the Council and advised that the Council was in a strong financial position.

S Mackenzie thanked Finance staff, relevant staff in each Service and KPMG for their support in the completion of the annual report and accounts.

A Shaw, KPMG, referred to the key messages in the unqualified report which would be finalised once signed. He also referred to the six control recommendations which had been accepted by the Council.

The Convener thanked KPMG and the Finance Team.

Resolved:

- (i) The contents of KPMG's Draft Annual Audit report to the Members of Perth and Kinross Council and the Controller of Audit for the year ended 31 March 2018 as detailed in Appendix 1 to Report 18/301, be noted.
- (ii) The 2017/18 Audited Annual Accounts be approved and the Leader of the Council, the Chief Executive and the Head of Finance be authorised to sign them.
- (iii) The Letter of Representation be approved and the Head of Finance be authorised to sign the Letter.

S WALKER, A O'BRIEN AND A THOMSON LEFT THE MEETING AT THIS POINT.

527. INTERNAL AUDIT FOLLOW UP

There was submitted a report by the Chief Internal Auditor (18/291) presenting a current summary of Internal Audit's follow up work.

With regard to Appendix B to Report 18/291, it was noted that the review of the IR35 processes had now been received and procedures would be finalised.

Councillor C Ahern advised that the report on Criminal Justice, as referred to in Appendix C to Report 18/291, had been signed on 19 September 2018.

Resolved:

- (i) The current position in respect of the agreed actions arising from internal and external work, be noted.
- (ii) The action plans be progressed, taking into account the recorded audit opinions.

528. INTERNAL AUDIT UPDATE

There was submitted a report by the Chief Internal Auditor (18/292) presenting a summary of Internal Audit's work.

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J Clark advised that two staff had been recruited to the Internal Audit Team with one now in post and the other to start mid-October, and that these appointments would add valuable experience to the Team, including IT expertise.

Resolved:

- (i) The completion of work against the 2017/18 audit plan, be noted.
- (ii) The progress with assignments against the 2018/19 Audit Plan, be noted.

529. THE NATIONAL FRAUD INITIATIVE 2016/17 AND 2018/19

There was submitted a report by the Chief Internal Auditor (18/293) presenting the findings of the 2016/17 National Fraud Initiative exercise as reported by Audit Scotland in July 2018, including a self-appraisal checklist for those charged with governance; and outlining the preparations underway in respect of the 2018/19 exercise.

J Clark advised that the 2018/19 Initiative would start in October 2018 and one optional dataset on Social Care Payments would be added.

L Simpson confirmed the legal position taken regarding the Council not sharing information on the Electoral Register for the purposes of the National Fraud Initiative. It was also noted that the Council was able to fully participate in the Initiative which included national bodies as well as Local Authorities.

It was noted that the data on Housing Waiting Lists was a mandatory dataset.

Resolved:

- (i) The outcomes within the National Audit Scotland report on the National Fraud Initiative exercise 2016/17, be noted.
- (ii) The work being undertaken for the 2018/19 exercise, be noted.
- (iii) The Audit Scotland's self-appraisal checklist relating to those charged with governance and attached at Appendix B to report 18/293, be approved.

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## **PERTH COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Perth Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 10.00am.

Present: Councillors B Band, P Barrett, A Coates (from Art. 534 onwards), H Coates (from Art. 534 onwards), D Doogan, E Drysdale, M Lyle, A Parrott and J Rebbeck.

In Attendance: D Coyne, C Flynn, K Molley, M Mahmood, J Salisbury, G Fogg and D Stokoe (all Corporate and Democratic Services); L Campbell and S Merone (both Housing and Environment Service).

Apologies: Councillors C Ahern, S McCole and W Wilson.

Councillor B Band, Convener, Presiding.

### **530. WELCOME AND APOLOGIES**

Councillor B Band welcomed all present to the meeting and apologies were noted as above.

### **531. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillor A Parrott declared a non-financial interest in Art. 539.

### **532. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Perth Common Good Fund Committee of 20 June 2018 (Arts. 337-343) was submitted, approved as a correct record and authorised for signature.

### **533. MATTERS ARISING**

There were no matters arising.

### **534. APPLICATIONS FOR FINANCIAL ASSISTANCE**

There was submitted a report by the Depute Chief Executive (18/314) asking the Perth Common Good Fund Committee to consider 18 applications for financial assistance (14 small grants and 4 for capital grants).

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**SMALL GRANTS**

**Resolved:**

- (1) Jar of Jewels**  
Jar of Jewels be awarded a grant of £1,600 towards the costs of two multicultural events.
- (2) Perth and Kinross District Scout Council**  
Perth and Kinross District Scout County Council be awarded a grant of £750 towards the costs of five young individuals attending the World Scout Jamboree in West Virginia, USA.
- (3) Ballet Dancing Training 1**  
The individual be awarded a grant of £150 towards the costs of national level ballet dancing training.
- (4) Ballet Dancing Training 2**  
The individual be awarded a grant of £150 towards the costs of national level ballet dancing training.
- (5) Perth and District Badminton Association**  
Perth and District Badminton Association be awarded a grant of £3,000 towards the costs of hosting the Scottish National Badminton Championships.
- (6) Perth Autism Support**  
Perth Autism Support be awarded a grant of £472 towards the costs of an Autism Christmas Party.

COUNCILLORS A COATES AND H COATES ENTERED THE MEETING AT THIS POINT.

- (7) PKAVS Minority Communities Hub**  
PKAVS Minority Communities Hub be awarded a grant of £3,480 towards the costs of a Multi-Cultural Events programme 2018/19.
- (8) Scottish Chamber Orchestra**  
Scottish Chamber Orchestra be awarded a grant of up to £8,500 towards the costs of a Perth Concert Series and Creative Learning Sessions.
- (9) Perth Creative Community Collaborative**  
Perth Creative Community Collaborative be awarded £1,960 towards the costs of artist-led sessions.
- (10) River Tay Community Sport Hub**  
River Tay Community Sport Hub be awarded a grant of £1,061 towards the costs of improving river safety for River Tay users.

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**(11) Goodlyburn Parent Council**

Goodlyburn Parent Council be awarded a grant of £700 towards the costs of a Pantomime Trip for the whole school.

**(12) Headway Perth and Kinross**

**Motion (Councillors J Rebbeck and D Doogan)**

**Headway Perth and Kinross be awarded a grant of £290.70 towards the costs of their summer outing.**

Amendment (Councillors P Barrett and M Lyle)

Headway Perth and Kinross be awarded a grant of £105 towards the costs of their summer outing.

In accordance with Standing Order 58, a roll call vote was taken.

5 members voted for the Motion as follows:

Councillors B Band, D Doogan, E Drysdale, A Parrott and J Rebbeck.

4 members voted for the Amendment as follows:

Councillors P Barrett, A Coates, H Coates and M Lyle.

**Resolved:**

In accordance with the Motion.

**(13) Voluntary Service Overseas**

The individual be awarded a grant of £250 towards the costs of volunteering with American Fondouk in Morocco to treat working animals.

**(14) Perth Polish Scouting Association**

Perth Polish Scouting Association be awarded a grant of £338 towards the costs of a Christmas Event.

**CAPITAL GRANTS**

**Resolved:**

**(15) Perth Air Cadets**

Perth Air Cadets be awarded a grant of £1,150 towards the costs of essential training and security equipment.

**(16) Kinnoull Tennis Club**

Kinnoull Tennis Club be awarded a grant of £6,000 towards the costs of a Clubhouse Improvement Project.

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**(17) Perthshire Hockey Club**

Perthshire Hockey Club be awarded a grant of £1,027 towards the costs of hockey training equipment.

**(18) Perth Drama Club**

Perth Drama Club be awarded a grant of £1,000 towards the costs of a portable stage.

**535. 2018/19 FINANCIAL STATEMENT**

There was submitted a report by the Head of Finance (18/313) providing details of the Income and Expenditure to 31 August 2018 and the projected outturn to 31 March 2019 for the Perth Common Good Fund.

**Resolved:**

The Perth Common Good Fund Income and Expenditure to 31 August 2018, and the projected outturn to 31 March 2019 for Financial Year 2018/19, as set out in Appendix 1 to Report 18/313, be noted.

**536. BONFIRE AND FIREWORKS DISPLAY EVENT ON 5 NOVEMBER 2018**

There was submitted a report by the Depute Chief Executive (18/315) providing details of the Bonfire and Fireworks event on 5 November 2018 to be organised by the Perth and Strathearn 200 Round Table and the request for funding to Perth Common Good Fund Committee.

**Resolved:**

A grant of £15,000 to Perth and Strathearn 200 Round Table for the costs of the Pyrotechnic Fireworks Display, in line with the decision taken in February 2018, be awarded.

**537. PERTH CHRISTMAS LIGHTS FESTIVAL**

There was submitted a report by the Executive Director (Housing and Environment) (18/316) (1) noting the activities for the Christmas Lights event on Saturday November 2018, which is part of the overall Perth Winter Festival programme and; (2) seeking approval for costs to be funded from the Perth Common Good Fund for the event.

**Resolved:**

The budget provision from 2018/19 in respect of the Christmas Lights Switch On Programme for Saturday 17 November 2018, in line with the decision taken in April 2018, be confirmed.

**IT WAS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

**538. SHOP – 2 NORTH PORT, PERTH OPTIONS FOR RE-LETTING OR SALE**

There was submitted a report by the Executive Director (Housing and Environment) (18/317) requesting instructions for either re-letting or sale of a shop at 2 North Port, Perth.

**Resolved:**

- (i) The recommended budget for the required upgrading works prior to re-letting, as set out in Report 18/317, be approved.
- (ii) Authority to proceed with the re-letting, on the terms of the Head of Legal and Governance and Head of Planning and Development, be granted.

**539. SITE (0.1478 Ha), HARBOUR ROAD, PERTH CONSENT TO APPROVE GROUND LEASE EXTENSION**

There was submitted a report by the Executive Director (Housing and Environment) (18/318) seeking approval to extend the length of the current ground lease of the site, which is leased to Daltrade Limited.

**Motion (Councillors D Doogan and E Drysdale)**

**A decision to extend the ground lease to Daltrade Limited, on the terms and conditions set out in Report 18/318, be deferred until Perth and Kinross Harbour Board have been consulted.**

Amendment (Councillors P Barrett and H Coates)

Consent be given to extend the ground lease to Daltrade Limited on the terms and conditions set out in Report 18/318.

In accordance with Standing Order 58, a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors B Band, D Doogan, E Drysdale, M Lyle, A Parrott and J Rebbeck.

3 members voted for the Amendment as follows:

Councillors P Barret, A Coates and H Coates.

**Resolved:**

In accordance with the Motion.

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ABERFELDY COMMON GOOD FUND COMMITTEE

Minute of meeting of the Aberfeldy Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 11.00am.

Present: Councillors M Williamson, P Barrett, J Duff, X McDade and M Lyle.

In Attendance: D Coyne, C Flynn, M Mahmood, K Molley, J Salisbury and D Stokoe (all Corporate and Democratic Services).

Councillor M Williamson, Convener, Presiding.

540. WELCOME AND APOLOGIES

Councillor Williamson welcomed all those present to the meeting.

541. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of Councillors' Code of Conduct.

542. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Aberfeldy Common Good Fund Committee of 20 June 2018 (Arts.344- 349) was submitted, approved as a correct record and authorised for signature.

543. MATTERS ARISING

There were no matters arising.

544. APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a report by the Depute Chief Executive (18/302) asking Aberfeldy Common Good Fund Committee to consider two applications.

Resolved:

- (1) Perth and Kinross District Scout Council**
Perth and Kinross District Scout Council be awarded a grant of £150 towards the costs of three young individuals (who are residents of Aberfeldy) attending the World Scout Jamboree in West Virginia, USA.
- (2) Friends of Breadalbane**
Friends of Breadalbane be awarded a grant of £350 towards the costs of an Aberfeldy PLUS Youth Group for children with additional support needs.
- (3)** No applications for financial assistance to be accepted for the remainder of the 2018/19 financial year.

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545. 2017/18 BUDGET & 2018/19 FINANCIAL STATEMENT

There was submitted a report by the Head of Finance (18/303) providing an update on Income and Expenditure to 31 August 2018 and the projected outturn to 31 March 2019 for the Aberfeldy Common Good Fund.

Resolved:

The Aberfeldy Common Good Fund Income and Expenditure to 31 August 2018, and the projected outturn to 31 March 2019 for Financial Year 2018/19, as set out in Appendix 1 to Report 18/303, be noted.

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## **AUCHTERARDER COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Auchterarder Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 11.10am.

Present: Councillors T Gray, P Barrett and M Lyle.

In Attendance: D Coyne, C Flynn, M Mahmood, K Molley, J Salisbury and D Stokoe (all Corporate and Democratic Services).

Apology for Absence: Councillor C Reid

Councillor T Gray, Convener, Presiding.

### **546. WELCOME AND APOLOGIES**

Councillor Gray welcomed all those present to the meeting and an apology was noted as above.

### **547. DECLARATIONS OF INTEREST**

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

### **548. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Auchterarder Common Good Fund Committee of 20 June 2018 (Arts.358-363) was submitted, approved as a correct record and authorised for signature subject to a correction of Article 361 to read advisory non-voting member.

### **549. MATTERS ARISING**

There were no matters arising.

### **550. AUCHTERARDER IN BLOOM**

Members were advised that an urgent item of business had arisen in July 2018, relating to a proposal from Auchterarder in Bloom (AiB) who wanted to improve an untidy area of Council land to create an attractive public space which would enhance the quality of life of residents and the local character of Auchterarder. The land had been bought by the old Burgh Council of Auchterarder prior to 15 May 1975 which meant that it was considered a Common Good asset. Heads of Terms had been agreed with Auchterarder in Bloom. This agreement had ended on 17 July 2018.



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**Resolved:**

The formal reporting of the decision by the Auchterarder Common Good Fund Committee to agree to give Auchterarder in Bloom a 10 year Licence to Occupy an untidy area of Council owned land to create an attractive public space by carrying out improvement works, be noted.

**551. APPLICATIONS FOR FINANCIAL ASSISTANCE**

There was submitted a report by the Depute Chief Executive (18/309) asking Auchterarder Common Good Fund Committee to consider two applications for financial assistance.

**Resolved:**

**(1) Auchterarder Community Sports Association**

Auchterarder Community Sports Association be refused a grant towards the costs of Phase 3 of the Auchterarder Core Path Project.

**(2) Auchterarder and Blackford Brownies**

Auchterarder and Blackford Brownies be awarded a grant of £1,000 towards the cost of a trip to Paris in 2019.

**552. 2018/19 BUDGET & 2017/18 FINANCIAL STATEMENT**

There was submitted a report by the Head of Finance (18/310) providing an update on Income and Expenditure to 31 August 2018 and the projected outturn to 31 March 2019 for the Auchterarder Common Good Fund.

**Resolved:**

The Auchterarder Common Good Fund Income and Expenditure to 31 August 2018, and the projected outturn to 31 March 2019 for Financial Year 2018/19, as set out in Appendix 1 to the Report 18/310, be noted.

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BLAIRGOWRIE COMMON GOOD FUND COMMITTEE

Minute of meeting of the Blairgowrie Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 11.20pm.

Present: Councillors T McEwan, P Barrett, B Brawn, M Lyle, and C Shiers.

In Attendance: D Coyne, C Flynn, M Mahmood, K Molley J Salisbury and D Stokoe (all Corporate and Democratic Services) and M Young (Blairgowrie and Rattray Community Council).

Councillor T McEwen, Convener, presiding

553. WELCOME AND APOLOGIES

Councillor McEwan welcomed all those present to the meeting. There were no apologies submitted.

554. DECLARATIONS OF INTEREST

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

555. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Blairgowrie Common Good Fund Committee of 20 June 2018 (Arts. 364 - 370) was submitted, approved as a correct record and authorised for signature.

556. MATTERS ARISING

There were no matters arising.

557. APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a report by the Depute Chief Executive (18/307) asking Blairgowrie Common Good Fund Committee to consider two applications for financial assistance.

Resolved:

(1) Blairgowrie Martial Arts

Perth Autism Support be awarded a grant of £400 towards the costs of providing martial arts sessions to children and young people on the autism spectrum in Blairgowrie.

(2) Blairgowrie and Rattray Bonfire Night

Blairgowrie and Rattray Community Council be awarded a grant of £500 towards the costs of a Bonfire Night.

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- (3) No applications for financial assistance be accepted for the remainder of the 2018/19 financial year.

558. 2017/18 & 2018/19 FINANCIAL STATEMENTS

There was submitted a report by the Head of Finance (18/308) providing an update on Income and Expenditure to 31 August 2018 and the projected outturn to 31 March 2019 for the Blairgowrie Common Good Fund.

Resolved:

The Blairgowrie Common Good Fund Income and Expenditure to 31 August 2018, and the projected outturn to 31 March 2019 for Financial Year 2018/19, as set out in Appendix 1 to Report 18/308, be noted.

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## **CRIEFF COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Crieff Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 11.37am.

Present: Councillors S Donaldson, P Barrett, R Brock, R McCall and M Lyle.

In Attendance: D Coyne, C Flynn, M Mahmood, K Molley, J Salisbury and D Stokoe (all Corporate and Democratic Services).

Councillor S Donaldson, Convener, Presiding.

### **559. WELCOME AND APOLOGIES**

Councillor Donaldson welcomed all those present to the meeting. There were no apologies submitted.

### **560. DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of Councillors' Code of Conduct.

### **561. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Crieff Common Good Fund Committee of 25 April 2018 (Arts.228 - 233) was submitted, approved as a correct record and authorised for signature.

### **562. MATTERS ARISING**

#### **Advisory Non-Voting Member (Article 232 refers)**

Councillor Donaldson advised the Committee that there had been no communication from Crieff Community Council as to their nomination for the position of an advisory non-voting member of the Crieff Common Good Fund Committee. It was noted that this item is on the agenda for the next Crieff Community Council meeting.

### **563. APPLICATIONS FOR FINANCIAL ASSISTANCE**

There was submitted a report by the Depute Chief Executive (18/304) asking Crieff Common Good Fund Committee to consider three applications for financial assistance.

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**Resolved:**

**(1) Crieff in Leaf Association**

Crieff in Leaf Association be refused a grant towards the costs of the "Crieff Leafy Coos" project in Burrell Square, Crieff.

**(2) Perth and Kinross District Scout Council**

Perth and Kinross District Scout Council be awarded a grant of £300 towards two young individuals (who are residents of Crieff) attending the World Scout Jamboree in West Virginia, USA.

**(3) MacRosty Junior Parkrun**

MacRosty Junior Parkrun be awarded a grant of £500 towards the costs of starting a Junior Parkrun in MacRosty Park, Crieff.

**564. 2017/18 AND 2018/19 FINANCIAL STATEMENT**

There was a report submitted by Head of Finance (18/305) providing an update on 2017/18 audited Income and Expenditure and details of the Income and Expenditure to 31 August 2018 and the projected outturn to 31 March 2019 for the Crieff Common Good Fund.

**Resolved:**

- (i) The Crieff Common Good Fund audited Income and Expenditure to 31 March 2018, as set out in Appendix 1 to Report 18/305, be noted.
- (ii) The Crieff Common Good Fund Income and Expenditure to 31 August 2018, and the projected outturn to 31 March 2019 for Financial Year 2018/19, as set out in Appendix 2 of Report 18/305, be noted.

**565. ANY OTHER COMPETENT BUSINESS**

**(i) Crieff in Leaf**

Members were advised that an urgent item of business had arisen in July 2018 relating to a proposal to erect 3nr Highland Cows in one of the quadrants at Burrell Square, Crieff with the creation and maintenance of new and existing flower beds in 3nr of the quadrants. Heads of Terms had been agreed with Crieff in Leaf on 15 June 2018. This agreement had ended on 20 June 2018.

**Resolved:**

The formal reporting of the decision by the Crieff Common Good Fund Committee to give Crieff in Leaf a 10 year licence to occupy the quadrants at Burrell Square, Crieff, so sculptures can be erected and maintained by Crieff in Leaf as well as the flower beds, be noted.

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KINROSS COMMON GOOD FUND COMMITTEE

Minute of meeting of the Kinross Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 11.40am.

Present: Councillors M Barnacle, P Barrett, M Lyle, W Robertson and R Watters.

In Attendance: D Coyne, C Flynn, M Mahmood, K Molley, J Salisbury and D Stokoe (all Corporate and Democratic Services).

Apology for Absence: Councillor C Purves.

Councillor M Barnacle, Convener, Presiding

566. WELCOME AND APOLOGIES

Councillor M Barnacle welcomed all present to the meeting and an apology was noted as above.

567. DECLARATIONS OF INTEREST

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

568. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Kinross Common Good Fund Committee of 20 June 2018 (Arts.371- 377) was submitted, approved as a correct record and authorised for signature.

569. MATTERS ARISING

Advisory Non-Voting Member (Article 375 refers)

Councillor M Barnacle advised that Eileen Thomas had resigned from Kinross Community Council and would no longer be the advisory non-voting member to the Kinross Common Good Fund Committee. Kinross Community Council would advise of a replacement for this position at a future date.

570. APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a report by the Depute Chief Executive (18/311) asking Kinross Common Good Fund Committee to consider two applications for financial assistance.

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Resolved:

(1) Light Up Kinross

Light Up Kinross be awarded a grant of £500 towards a Christmas Light and Tree display in Kinross.

(2) Perth and Kinross District Scout Council

Perth and Kinross District Scout Council be awarded a grant of £375 towards the costs of three young individuals (who are residents of Kinross) attending the World Scout Jamboree in West Virginia, USA.

(3) No applications for financial assistance be accepted for the remainder of the 2018/19 financial year.

571. 2017/18 AND 2018/19 FINANCIAL STATEMENTS

There was submitted a report by the Head of Finance (18/312) providing an update on Income and Expenditure to 31 August 2018 and the projected outturn to 31 March 2019 for the Kinross Common Good Fund.

Resolved:

The Kinross Common Good Fund Income and Expenditure to 31 August 2018, and the projected outturn to 31 March 2019 for Financial Year 2018/19, as set out in Appendix 1 to Report 18/312, be noted.

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## **COUNCIL MEETING**

Minute of meeting of Perth and Kinross Council held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 3 October 2018 at 1.00pm.

Present: Provost D Melloy, Councillors H Anderson, A Bailey, K Baird, B Band, M Barnacle, P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, D Doogan, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters and M Williamson.

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive; S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); R Packham, Chief Officer, Perth and Kinross Health and Social Care Partnership; J Pepper, Depute Director (Education and Children's Services) and Chief Social Work Officer; G Taylor, S Hendry, L Simpson, S MacKenzie, S Walker, C Flynn, L Potter, L Cameron, K Donaldson, A Taylor and K Molley (all Corporate and Democratic Services); M Notman, S Merone and D Littlejohn (all Housing and Environment); H Robertson and R Drummond (both Education and Children's Services); and B Atkinson, Independent Chair of Perth and Kinross Adult Protection Committee and Child Protection Committee.

Apologies for Absence: Councillors C Ahern, I James, C Reid and W Wilson.

Provost D Melloy, Presiding.

### **572. WELCOME AND APOLOGIES**

Provost Melloy welcomed all those present to the meeting and apologies were submitted and noted as above.

### **573. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillors A Parrott, P Barrett, H Coates and H Anderson all declared a non-financial interest in Art. 585 on the agenda.

### **574. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 39**

In terms of Standing Order 39, the Council considered the following Motions:

#### **(i) Brexit Impact Assessment**

Motion (Councillors M Williamson and S Donaldson)



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Council instructs the Chief Executive to commission an impact assessment which will report on the likely impact of Brexit, either hard or with agreement of the EU, on Perth and Kinross communities and enterprise and submit this to the next full Council meeting.

**Amendment (Councillors A Bailey and M Barnacle)**

**That this Council will continue both current and planned Brexit assessments in active collaboration with neighbouring local authorities where necessary. Further, that the output from that work will be shared with Council and residents in due course.**

In accordance with Standing Order 58, a roll call vote was taken.

15 members voted for the Motion as follows:

Councillors H Anderson, B Band, S Donaldson, D Doogan, E Drysdale, T Gray, G Laing, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar, R Watters and M Williamson.

21 members voted for the Amendment as follows:

Councillors A Bailey, K Baird, M Barnacle, P Barrett, B Brawn, R Brock, A Coates, H Coates, J Duff, A Forbes, D Illingworth, A Jarvis, M Lyle, R McCall, X McDade, Provost Melloy, C Purves, W Robertson, C Shiers, L Simpson and C Stewart.

**Resolved:**

In accordance with the Amendment.

**(ii) Committee Structure**

Motion (Councillors X McDade and R Brock)

**Overview**

To merge the Housing & Communities Committee and Environment & Infrastructure Committee

Following the successful merger of the former Housing & Community Safety and the former Environment Service into the new Housing and Environment Service, it seems appropriate to now realign the service committee remits in line with the new service responsibilities and have a single Housing & Environment Committee.

The merger of these committees would save senior officer time in attending committees as well as bringing committee remits into line with current service responsibilities.

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**Proposed Changes to Remits & Membership**

The remit for the new Housing & Environment Committee would be in line with the responsibilities of the new Housing & Environment Service.

Responsibilities that have been transferred to the Education & Children's Service since the council reorganisation in April 2018 would be transferred to the remit of the Lifelong Learning Committee.

Other matters that are currently within the remit of either Housing & Communities Committee or the Environment & Infrastructure Committee, but where the main responsibility for that remit lies with either Corporate & Democratic Services or the Health & Social Care Partnership the remit would be included in the remit of the Strategic Policy & Resources Committee.

To provide membership parity across all service committees there would be 15 members of both the new Housing & Environment Committee and of the Lifelong Learning Committee. The membership of the Strategic Policy & Resources Committee would remain the same.

**Conclusion**

The motion asks that the Council approve the proposal outlined above and asks officers to update the Scheme of Administration accordingly.

**Amendment (Councillors C Shiers and W Robertson)**

**In December 2017, the Council agreed a decision-making structure following extensive discussion between officers and elected members and detailed consideration by the Modernising Governance Member/Officer Working Group.**

**The proposal in the motion by Councillors McDade and Brock has been presented to Council without the benefit of either discussion with officers or consideration by the Modernising Governance Member/Officer Working Group.**

**As the public service governance landscape is ever changing, it is important that the Council ensures that its own governance arrangements, including the decision making structure, should be regularly reviewed to ensure that they remain fit for purpose.**

**Accordingly, I would move that the Council agrees to remit to the Modernising Governance Member/Officer Working Group to review the decision making structure, and that the proposal by Councillors McDade and Brock be considered as part of that review.**

**Note:** Following a suggestion by Councillor Doogan, the mover and seconder of the amendment agreed in relation to paragraph two of their amendment that both the decision making structure and the agenda setting process should be part of the review.

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Note: The Mover and Seconder of the Motion agreed to withdraw the Motion.

**Resolved:**

In accordance with the Revised Amendment.

**575. MINUTES**

**(i) Minute of Meeting of Perth and Kinross Council of 20 June 2018 for approval and signature**

The minute of the meeting of Perth and Kinross Council of 20 June 2018 (Arts. 378-396) was submitted, approved as a correct record and authorised for signature.

**(ii) Minute of Special Meeting of Perth and Kinross Council of 29 August 2018 for approval and signature**

The minute of the special meeting of Perth and Kinross Council of 29 August 2018 (Arts. 473-476) was submitted, approved as a correct record and authorised for signature.

**576. MINUTES OF MEETINGS OF COMMITTEES FROM 6 JUNE 2018 to 12 SEPTEMBER 2018**

The decisions recorded in Arts. 316-377, 397-472 and 477-514 copies of which had been circulated to all members of the Council, were submitted and noted.

**577. AUDITED ANNUAL ACCOUNTS 2017/18 AND ANNUAL AUDIT REPORT TO THE MEMBERS OF PERTH & KINROSS COUNCIL AND THE CONTROLLER OF AUDIT FOR THE YEAR ENDED 31 MARCH 2018**

There was submitted a report by the Head of Finance (18/306) presenting the Council's Audited Annual Accounts for financial year 2017/18 in accordance with the Local Authority Accounts (Scotland) Regulations 2014 and including the Annual Audit Report to the Members of Perth & Kinross Council and the Controller of Audit for the Year Ended 31 March 2018.

It was noted that the Audited Annual Accounts and Annual Audit Report had been approved by the Audit Committee on 26 September 2018.

**Resolved:**

- (i) The contents of KPMG's Annual Audit Report to the Members of Perth & Kinross Council and the Controller of Audit for the year ended 31 March 2018, as appended to Report 18/306, be noted.
- (ii) The 2017/18 Audited Annual Accounts, appended to Report 18/306, be noted.

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**578. AUDIT SCOTLAND'S REPORTS: LOCAL GOVERNMENT IN SCOTLAND, CHALLENGES AND PERFORMANCE 2018; LOCAL GOVERNMENT IN SCOTLAND, FINANCIAL OVERVIEW 2016/17**

There was submitted a report by the Depute Chief Executive (18/319) highlighting the key messages from, and the Council's response to, the Audit Scotland reports 'Local Government in Scotland, Challenges and Performance 2018', published in April 2018; and 'Local Government in Scotland, Financial Overview 2016/17', published in November 2017.

**Resolved:**

- (i) The findings of the reports 'Local Government in Scotland, Challenges and Performance 2018' and 'Local Government in Scotland, Financial Overview 2016/17', be noted.
- (ii) The areas of improvement currently being progressed, as set out in Report 18/319, be noted.

**579. PERTH AND KINROSS COUNCIL ANNUAL PERFORMANCE REPORT 2017/18**

There was submitted a report by the Chief Executive (18/327) providing an overview of how the Council has performed against the strategic objectives for Perth and Kinross, as set out within the Council's Corporate Plan 2013-2018, for the period 1 April 2017 to 31 March 2018.

**Resolved:**

The Perth and Kinross Council Annual Performance Report for 2017/18, as appended to Report 18/327, be approved.

**580. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2018/19 QUARTER 1**

There was submitted a report by the Head of Finance (18/323) (1) providing a summary of Loans Fund transactions for the quarter ending 30 June 2018; and (2) reporting on compliance with the Council's Treasury Management Policy Statement; Treasury Management Practices; the Investment Strategy and the Prudential Indicators for the same period.

**Resolved:**

The contents of Report 18/323, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

**581. MEDIUM TERM FINANCIAL PLAN 2019-2024**

There was submitted a report by the Head of Finance (18/326) (1) updating the Medium Term Financial Plan approved by Council on 4 October 2017; (2) summarising the implications of the latest projections on future Council General Fund Revenue Budgets over the medium term; (3) providing an update on the Council's Capital Budget, Housing Revenue Account, Reserves position and other

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Funds; and (4) making recommendations on how the Council develops the Revenue Budget over the short to medium term.

**Resolved:**

- (i) The Head of Finance be instructed to maintain the Medium Term Financial Plan and further refine the assumptions which underpin it, as set out in Section 3.5 of Report 18/326.
- (ii) The proposal to update the Provisional Revenue Budgets for 2019/20 and 2020/21 and commence the development of a new Provisional Revenue Budget for 2021/22, as set out in Section 4.10 of Report 18/326, be approved.
- (iii) The corporate savings targets be approved as the basis for updating the 2019/20 and 2020/21 Provisional Revenue Budgets, and for the preparation of the 2021/22 Provisional Revenue Budget, as set out in Sections 4.20 and 4.25 of Report 18/326.
- (iv) The setting of the 2028/29 Composite Capital Budget take place at the same time as the setting of the Revenue Budget at the special meeting of the Council in February 2019.
- (v) The Executive Officer Team be instructed to review the existing Capital Budget, Capital resourcing and potential projects for financial year 2028/29 and bring forward recommendations for consideration by Council.
- (vi) The updated Reserves Strategy be submitted to the Council in February 2019.
- (vii) The Housing Revenue Account Budget and rent levels for 2019/20, and the five year Housing Investment Programme be determined at the meeting of the Housing and Communities Committee in January 2019.
- (viii) The extension, on a permanent basis, of the severance payment scheme of up to 60 weeks' pay in the Framework for Managing Workforce Change and Employing Authority Pension Discretions Policy, set out in Section 8.9 of Report 18/326, be approved.

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 3.15PM.

**582. PERTH AND KINROSS CHILD PROTECTION COMMITTEE (CPC)  
STANDARDS AND QUALITY REPORT 2017-2018**

There was submitted a report by the Chief Social Work Officer (18/320) (1) providing an overview of the key activities of the work of the Perth and Kinross Child Protection Committee to protect children and young people from harm, abuse and exploitation for the academic year 2017-2018, identifying achievements, key strengths and areas for further improvement; and (2) setting out a programme of improvement for the next two years.

B Atkinson, Independent Chair of the Child Protection Committee, was in attendance and answered questions from members.

**Resolved:**

- (i) The wide range of work carried out by Perth and Kinross Council and partners through the Child Protection Committee, to provide high quality services to

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- protect children and young people, in particular the high level commitment to continuous improvement through self-evaluation, be noted.
- (ii) The contents of Report 18/320, the Child Protection Committee Standards and Quality Report 2017 – 2018, attached as Appendix 1 to Report 18/320, and the contents of the Child Protection Committee Improvement Plan 2018 – 2020, attached as Appendix 2 to Report 18/320, all be endorsed.

IT WAS AGREED TO VARY THE ORDER OF BUSINESS AND CONSIDER ITEM 13 ON THE AGENDA AT THIS POINT

**583. PERTH & KINROSS ADULT PROTECTION COMMITTEE BI-ENNIAL REPORT 2016-18**

There was submitted a report by the Chief Social Work Officer (18/325) providing an update on the work of the Perth and Kinross Adult Protection Committee and activity over the 2016-2018 period to protect adults who may be at risk of harm.

B Atkinson, Independent Chair of the Adult Protection Committee, was in attendance and answered questions from members.

**Resolved:**

- (i) The contents of the bi-ennial report, attached as Appendix 1 to Report 18/325, being submitted to the Scottish Government in October 2018, be noted.
- (ii) It be agreed that annual update reports be submitted to Council on both child and adult protection in Perth and Kinross.

**584. UPDATE ON CHILD SEXUAL EXPLOITATION (CSE)**

There was submitted a report by the Chief Social Work Officer (18/321) providing an update on the work being taken forward to tackle Child Sexual Exploitation in Perth and Kinross.

**Resolved:**

- (i) The ongoing work of the Child Protection Committee and Child Sexual Exploitation Working Group, to tackle abuse and exploitation in Perth and Kinross, be noted.
- (ii) The significant progress made via the Child Sexual Exploitation Work Plan 2017 – 2020 to raise understanding and prevent abuse and exploitation, develop pro-active early and effective intervention, promote trauma informed practices and support for recovery for victims, be noted.
- (iii) The Stop To Listen Pathfinder Evaluation Report, attached as Appendix 2 to Report 18/321, and ongoing legacy work in Perth and Kinross, be noted.

**585. PERTH HARBOUR BUSINESS PLAN – PROGRESS REPORT**

There was submitted a report by the Depute Chief Executive (18/322) (1) updating Council on the delivery of the Perth Harbour Business Plan; (2) asking the

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Council to note the successful handover of harbour operations; and (3) requesting consideration of producing a revised business plan by March 2019

**Resolved:**

- (i) The successful handover of operations at Perth Harbour to Calmac Ferries Ltd be noted.
- (ii) The Depute Chief Executive be instructed to produce a revised Business Plan for the Harbour for submission to Council (April 2019-March 2023), including a targeted investment plan, by March 2019.
- (iii) It be agreed to target Jan-March 2020 to carry out any dredging work, with a final decision to be considered just after the revised business plan has been considered.

**586. INITIAL FINDINGS OF THE REVIEW OF THE SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS IN PERTH AND KINROSS**

There was submitted a report by the Head of Democratic Services (18/324) (1) updating members on the initial findings from consultation with community councils on the review of the Scheme of Establishment of Community Councils in Perth and Kinross; and (2) outlining suggested amendments to the current Scheme.

**Resolved:**

- (i) The general issues and the comments set out in Appendix 1 to Report 18/324 be noted.
- (ii) The suggested changes to the Scheme of Establishment for Community Councils for Perth and Kinross, as set out in Appendix 2 to Report 18/324, be approved.
- (iii) It be noted that the next steps will be a public consultation between 8 October 2018 and 3 December 2018 with a final report to Council in February 2019.

**587. PROPOSED TIMETABLE OF MEETINGS 2019**

There was submitted a report by the Head of Democratic Services (18/328) seeking approval of the 2019 timetable of meetings for the Council and Committees.

**Resolved:**

- (i) The dates and start times for the 2019 timetable of meetings, as set out in Appendix 1 to Report 18/328, be approved.
- (ii) Further start times be agreed as follows to be incorporated into the 2019 timetable of meetings:
  - Sub-Committee meetings on a Monday morning to commence at 10.00am;
  - Meetings of the Planning and Development Management Committee to commence at 10.00am;
  - Committee meetings on Wednesday mornings to commence at 9.30am;
  - Committee meetings on Wednesday afternoons to commence at 1.00pm;

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- Meetings of the Common Good Fund Committees to commence at 9.00am;
- Council meetings to commence at 11.00am with a break for lunch at approximately 1.00pm and a further short break if required at approximately 3.00pm.

**588. AMENDMENTS TO SCHEME OF ADMINISTRATION/STANDING ORDERS**

With effect from 1 December 2018 references to the Head of Democratic Services in both the Scheme of Administration and Standing Orders be amended to refer to the Head of Legal and Governance Services, with the exception of the reference at Paragraph 19.1 in relation to Community Councils, where the reference should be to the Head of Culture and Community Services.

**589. MEMBERSHIP OF HIGH CONSTABLES**

It was agreed to approve the decision by the Society of High Constables of the City of Perth at its AGM on 3 September 2018, to change the Society Regulations by removing the gender specific references from the criteria of Membership and to amend the Regulations as necessary.

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PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
4 OCTOBER 2018

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 4 October 2018 at 11.00am.

Present: Councillors D Illingworth (Vice-Convener), K Baird, B Brawn, A Coates, A Jarvis, A Parrott and M Williamson.

In Attendance: PC D Black (Police Scotland); M McLaren, D Merchant, S Michie and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors C Ahern, R Brock, I James, J Rebbeck, F Sarwar and R Watters.

Councillor D Illingworth (Vice-Convener), Presiding.

590. WELCOME AND APOLOGIES

The Vice-Convener welcomed all present to the meeting. Apologies for absence were noted as above.

591. DECLARATIONS OF INTEREST

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

592. MINUTES

The Minute of Meeting of the Licensing Committee of 23 August 2018 was submitted and approved as a correct record.

593. GRANT OF A LATE HOURS CATERING LICENCE NO. LH134

There was submitted a report by the Head of Legal and Governance Services (18/329) regarding Grant of a Late Hours Catering Licence LH134.

The applicant's legal representative, Mr A Hunter was in attendance, addressed the Committee and answered members' questions.

Resolved:

Late Hours Catering Licence LH134 be granted for a period of 3 years with effect from 4 October 2018.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

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**594. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1291
(3 YEARS)**

There was submitted a report by the Head of Legal and Governance Services (18/330) regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1291.

The Committee noted this item was withdrawn from the agenda.

**595. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1775
(1 YEAR)**

There was submitted a report by the Head of Legal and Governance Services (18/331) together with a letter of representation dated 17 July 2018 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1775.

The applicant failed to attend.

The representative of Police Scotland addressed the Committee and answered Members' question.

Resolved:

Grant of Taxi/Private Hire Car Driver's Licence TD1775 be refused, on the grounds that the applicant is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

596. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1781

There was submitted a report by the Head of Legal and Governance Services (18/332) regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1781.

The Committee noted this item was withdrawn from the agenda.

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## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 16 October 2018 at 10.30am.

Present: Councillors B Brawn, E Drysdale, I James (excluding Art. 600(i)) and B Band (Art. 600(i) only).

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: M Barr (Housing and Environment); L Aitchison (Corporate and Democratic Services); members of the public, including agents and applicants.

### **597. APPOINTMENT OF ACTING CONVENER**

Councillor B Brawn was unanimously appointed as Acting Convener for the meeting.

Councillor B Brawn, Acting Convener, Presiding.

### **598. DECLARATIONS OF INTEREST**

Councillor I James declared a non-financial interest in Art 600(i).

### **599. MINUTE**

The minute of meeting of the Local Review Body of 18 September 2018 was submitted and noted.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

### **600. APPLICATIONS FOR REVIEW**

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR I JAMES WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 600(i).

- (i) **TCP/11/16(552) – Planning Application – 18/00263/FLL – Erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD – Mr P Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Local Review Body be provided with the papers and plans before the Local Review Body when previous application relating to the property was considered - Reference 16/01937/FLL;
- (iii) the applicant be requested to submit a plan showing the full extent of land and property in their ownership, or in which they have an interest in this locality;
- (iv) the applicant be requested to submit a plan identifying the location and extent of their business premises previously owned and/or occupied at Blairgowrie, as referred to in their submission;
- (v) the applicant be requested to submit a plan and details of drainage provision envisaged at Chestnut Cottage/WoodAcre, as referred to in their submission, accompanied by written confirmation of the acceptance of that proposal from the owner(s) of those properties involved;
- (vi) following receipt of the above information, an unaccompanied site visit be carried out;
- (vii) following the receipt of all requested further information and the unaccompanied site visit, the application be brought back to the Local Review Body.

COUNCILLOR B BAND LEFT THE MEETING AT THIS POINT.

COUNCILLOR I JAMES RETURNED TO THE MEETING AT THIS POINT.

- (ii) **TCP/11/16(544) – Planning Application – 18/00419/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan – Carse Developments Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

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Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan, be refused for the following reasons:
  - 1. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would result in overdevelopment through the loss of open space that would not contribute positively to the housing area and would not respect the character and amenity of the place.
  - 2. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this site for a dwellinghouse would encroach onto an existing area of public open space and that is of local amenity value and would set an unwelcome precedent for further development.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**(iii) TCP/11/16(550) - Planning Application – 18/00473/FLL – Erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross – Ecotricity**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

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**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to provide a set of full size photographs and photo montages for VP's 9 and 10, and the additional photographs for VP's 7 and 8;
- (iii) the appointed planning officer be requested to comment on the revised photo montages;
- (iv) An unaccompanied site visit be carried out;
- (v) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(iv) TCP/11/16(551) - Planning Application – 16/00674/IPL – Residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam – Mr A Wheelwright**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for erection of a residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it would not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location, as it does not form part of a building group. Specifically, the site is not within a building group and does not form a definable site adjacent to a building group.
  - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion

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where a dwellinghouse would be acceptable in this location.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it is located in an open field and the three indicative plots would not be contained. As a consequence, the development would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience in this area of Perth and Kinross.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
5. The proposal is contrary to Policy PM1B, criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Note:** Councillor Drysdale dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for residential development (in principle) should be granted. In his view, the proposal would not be contrary to the Perth and Kinross Local Development Plan 2014 or the Housing in the Countryside Guide (SPG) 2014, and would not lead to a loss of amenity in this area of Perth and Kinross.

**(v) TCP/11/16(553) - Planning Application – 18/00549/FLL – Erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie – Mr R Kenneth**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

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- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iii) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(vi) TCP/11/16(554) – Planning Application – 18/00715/FLL – Erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff – Miss J Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff, be refused for the following reasons:
  - 1. The proposal, by virtue of its position, height and close proximity to the adjoining properties, would have a dominant and imposing impact, to the detriment of the residential amenity of the neighbouring properties. Approval would therefore be contrary to the Perth and Kinross Council Placemaking Guide, Policies PM1A, PM1B(c) and RC1 of the Perth and Kinross Local Development Plan 2014, which seek to protect and, where possible, improve existing residential amenity and ensure that development contributes positively to the quality of the built environment by respecting the amenity of the place.
  - 2. The proposal will result in an increase in traffic on Academy Road with none of the improvements to the access arrangements outlined in the previous application indicated in this submission. The proposal will therefore result in an increase risk to pedestrian and traffic safety and is therefore contrary to Policy TA1B of the Perth and Kinross Local Development Plan 2014.



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**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
24 OCTOBER 2018

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 24 October 2018 at 10.00am.

Present: Councillors B Brawn, H Anderson, M Barnacle, H Coates, D Doogan (substituting for Councillor B Band), E Drysdale, T Gray, D Illingworth (substituting for Councillor R McCall); A Jarvis, W Robertson (substituting for L Simpson), R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, D Salman, L Reid, A Rennie and R Stewart (all Housing and Environment); C Elliott, D Williams and L Potter (all Corporate and Democratic Services).

Apologies: Councillors B Band, I James, R McCall and L Simpson.

Councillor B Brawn, Vice-Convenor, Presiding.

601. WELCOME AND APOLOGIES

The Convenor welcomed everyone present to the meeting.

602. DECLARATIONS OF INTEREST

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

603. MINUTES

The minute of meeting of the Planning and Development Management Committee of 26 September 2018 (Arts. 518-522) was submitted, approved as a correct record and authorised for signature.

604. DEPUTATIONS

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

Planning Application No.	Art. No.
18/00094/IPM	605(1)(i)
18/00408/FLM	605(1)(ii)
18/01054/FLL	605(2)(i)
18/01094/FLL	605(2)(ii)
18/01353/FLL	605(2)(iii)

605. APPLICATIONS FOR DETERMINATION

(1) Major Applications

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Prior to the consideration of Arts. 604(1)(i) and 604(1)(ii), it was agreed due to the nature of both applications to consider deputations and questions from members for both applications together, before considering separate decisions for each application.

Prior to the consideration of Arts. 604(1)(i) and 604(1)(ii), J Scott, Team Leader provided an update to members that, (i) for Art 604(1)(i) on page 52, recommended condition 3, line 5, the word 'does' should be deleted; (ii) both applications for the site history, application 18/00307/LBC had not in fact been granted and is awaiting determination; (iii) for both applications highlighting and summarising a letter by Burness Paul, agents for the applicants, received and given to the Committee shortly before consideration of the applications; (iv) for Art 604(1)(ii), page 82, paragraph 136, refers to bat surveys not being undertaken in the Birnam and Elcho wards, which is incorrect, having both been surveyed in 2017; (v) for Art 604(1)(i) a survey to update the 2016 bat surveys for the Main Building had not been sought by officers; (vi) for both applications it was accepted that a Species Protection Plan for bats had previously been requested by officers; and (vii) Nonetheless the issues in respect of bats have not been addressed and the reasons proposed remain valid and officers are satisfied that the Report of Handling accurately addresses all other matters.

Mr G Fleming, objector to the application, followed by Mr F Littlejohn, on behalf of the applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

(i) 18/00094/IPM - PERTH - Residential development (in principle) for up to 70 dwellings, former Murray Royal Hospital, Muirhall Road, Perth – Report 18/335 – Rivertree Residential

Resolved:

Defer, for (i) an unaccompanied site visit; (ii) further information and to allow for further possible discussions between the applicant and Development Management on traffic issues; (iii) clarification and possible further discussions between the applicant and Development Management on the issues raised in the Burness Paul letter; (iv) further information on the possible phasing of the development; and (v) further information on tree management.

(ii) 18/00408/FLM - PERTH - Change of use, alterations and selective demolition to former hospital building to form 58 flats and associated works, former Murray Royal Hospital, Muirhall Road, Perth – Report 18/336 – Rivertree Residential

Resolved:

Defer, for (i) an unaccompanied site visit; (ii) further information and to allow for further possible discussions between the

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applicant and Development Management on traffic issues; (iii) clarification and possible further discussions between the applicant and Development Management on the issues raised in the Burness Paul letter; (iv) further information on the possible phasing of the development; and (v) further information on tree management.

(iii) 18/01002/AMM - ABERFELDY - Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) – Phase 3, land south of 8 The Beeches, Aberfeldy – Report 18/337 – Duntaylor Developments Ltd

Anne Condliffe, Team Leader, advised that should the application be granted then on page 110, Informative 4 should be amended to refer to 2013 regulations, not 2008.

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for their further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.
Reason: In the interest of pedestrian and cycle safety.
3. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 3 to the satisfaction of the Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety, residential amenity.
4. All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, 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.
Reason: In the interests of pedestrian and traffic safety.

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5. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP 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: In the interests of pedestrian and traffic safety.
6. Prior to the commencement of works on any part of the development, the Developer shall submit for the written approval of the Planning Authority an updated 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) 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;
 - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - e) 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;
 - f) details of information signs to inform other road users of construction traffic;
 - g) arrangements to ensure that access for emergency service vehicles are not impeded;
 - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
 - i) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.
- The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety.
7. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the

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approved plans) and those which have Root Protection Areas which fall within the site shall be retained and 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 unless otherwise agreed in writing by the Council as Planning Authority.

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

8. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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).

9. 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: In order to prevent animals from being trapped within any open excavations.

10. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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).

11. Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in

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accordance with the approved details prior to the occupation of the relevant dwelling(s).

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

12. Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of enhancing biodiversity.

13. Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

14. The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

15. The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period to the satisfaction of the Council as Planning Authority.

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

Procedural Notes

Primary school financial contribution of £71,060 (11 x £6,460) is required and can either be paid up front (within 28 days) or via a Section 75 legal agreement. Should the applicant not wish to pay the contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.

Any legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply

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with the associated developer contributions policy and may be recommended for refusal under delegated powers.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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. 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 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 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.
5. 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.
6. The applicant is 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.

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7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR
 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 applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
 10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
 11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
 12. Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
 13. No work shall be commenced until an application for building warrant has been submitted and approved.
 14. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- Background

(2) Local Applications

- (i) **18/01054/FLL - KINROSS - Part demolition of buildings, erection of 2no. dwellinghouses and 4no. flats and associated works, Kirklands Garage, 10 High Street, Kinross, KY13 8AW – Report 18/338 – Kirklands Development Group**

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David Niven, Team Leader updated the Committee that (i) on page 133, recommended condition 7 should be amended to refer to having effect prior to occupation of the first flat; and (ii) some referencing of recommended conditions in the appraisal section was listed incorrectly. The correct references were narrated.

Mr G Mullen, objector to the application, followed by Mr N Gray, on behalf of the applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

Motion (Councillor T Gray and H Anderson)

Grant, subject to the following terms, 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 document.**
2. **The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (ref 18/01504/29) shall be fully adhered to, respected and undertaken as part of the construction phase of development.
Reason – In the interests of protecting environmental quality and of biodiversity.**
3. **Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority.
Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).
Reason – In the interests of protecting environmental quality and of biodiversity.**
4. **Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
Reason – In the interests of road safety; to ensure the provision of adequate offstreet car parking facilities.**

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5. Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
Reason – In the interests of road safety; to ensure the provision of adequate offstreet car parking facilities.
6. Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
Reason – In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.
7. Prior to the occupation of the first flat, the cycle parking facilities shown on the approved drawings for Units 3, 4, 5 and 6 shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.
Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
8. The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.
Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).
9. The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the upper level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.
Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).
10. The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.
Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

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11. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

12. Development shall not commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall be undertaken to identify; The nature, extent and type(s) of contamination on the site.

- Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- Measures to deal with contamination during construction works.
- Condition of the site on completion of decontamination measures.

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

Reason – In order to deal with any potential contamination of the site as a result of its former use.

Justification

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

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is

advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).**
- 2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.**
- 3. As soon as practicable after the development is complete, the person who completes the development 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. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk**
- 6. 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.**
- 7. The applicant is advised that in terms of Sections 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**

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Scottish Water and the Scottish Environmental Protection Agency.

8. **The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.**
9. **The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.**
10. **The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.**

Amendment (Councillor M Barnacle and W Wilson)

Refuse, on the basis that the application is contrary to:

- (i) Perth and Kinross Local Development Plan 2014, Policy PM1A as the application does not contribute positively to the surrounding built and natural environment due to the massing of and the flat roof of the building to the rear, and due to the contemporary design not fitting the area;
- (ii) Perth and Kinross Local Development Plan 2014, Policy RD1 as the application does not protect residential amenity as the building to the rear would overlook the private space of the neighbouring property, Laurelbank;
- (iii) Perth and Kinross Local Development Plan 2014, Policy TA1B on the basis that inadequate parking provision is provided given the existing situation within Kinross High Street; and
- (iv) Perth and Kinross Local Development Plan 2014, Policy HE3A as the rear flatted development does not preserve or enhance the character or appearance of Kinross Conservation Area due to its contemporary design, its massing, and its scale.

In terms of Standing Order 58 a roll call vote was taken.

3 members voted for the Amendment as follows:
Councillors Barnacle, Watters and Wilson.

9 members voted for the Motion as follows:
Councillors Anderson, Doogan, Brawn, Coates, Drysdale, Gray, Jarvis, Illingworth and Robertson.

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Resolved:

In accordance with the Motion.

- (ii) **18/01094/FLL - CRIEFF - Alterations and formation of decking to provide outdoor seating area, installation of a screen fence and associated works, The Caledonain Bar, 35 James Square, Crieff, PH7 3EY – Report 18/339 – Belhaven Pubs**

Mr P Houghton, on behalf of objectors, addressed the Committee, and, following his representation, withdrew to the public gallery.

Resolved:

Refuse, for the following reason:

The Proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy EP8 on the basis that the amenity of the flats above the site would not be protected and may be subject to high levels of noise as a result.

- (iii) **18/01353/FLL - PERTH - alterations and extension to dwellinghouse, 63 Viewlands Road West, Perth, PH1 1NA – Report 18/340 – Mr M MacDonald**

Mr B DeCecco, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillor W Wilson and M Barnacle)

Refuse, on the basis that the application is contrary to:

- (i) Perth and Kinross Local Development Plan, Policy PM1A as the proposal does not contribute positively to the surrounding built and natural environment due to the height of the proposal, the overshadowing of neighbouring properties, and the loss of privacy to neighbouring properties;
- (ii) Perth and Kinross Local Development Plan, Policy PM1B(c) due to the appearance and height of the proposal in relation to surrounding properties; and
- (iii) Perth and Kinross Local Development Plan, Policy RD1 as the proposal does not protect existing residential amenity, particularly 65 Viewlands Road West and 28 Fairies Road due to overshadowing and loss of privacy

Amendment (Councillor T Gray and R Watters)

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

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Condition

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.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant will be required.

In terms of Standing Order 58 a roll call vote was taken.

9 members voted for the Amendment as follows:

Councillors Anderson, Doogan, Brawn, Coates, Drysdale, Gray, Jarvis, Illingworth and Watters.

3 members voted for the Motion as follows:

Councillors Barnacle, Robertson and Wilson.

Resolved:

In accordance with the Amendment.

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PERTH AND KINROSS COUNCIL  
HOUSING AND COMMUNITIES COMMITTEE  
31 OCTOBER 2018

## **HOUSING AND COMMUNITIES COMMITTEE**

Minute of meeting of the Housing and Communities Committee held in the Council Chambers, 2 High Street, Perth on Wednesday 31 October 2018 at 10.00am.

Present: Councillors P Barrett, B Brawn, C Ahern, A Bailey, E Drysdale, T Gray, D Illingworth, A Jarvis (substituting for Councillor H Coates), S McCole, T McEwan, C Reid, C Shiers and R Watters.

In Attendance: B Renton, Executive Director (Housing and Environment); K McNamara, Depute Director (Housing and Environment); C Mailer, J McCall (from Art 612), N Robson (from Art. 612), E Ritchie (from Art. 612), M Dow (from Art. 612), C Hendry (from Art. 612), C Cranmer and P Turner (all Housing and Environment); F Robertson and D Stokoe (both Education and Children's Services) (from Art. 611(ii)); C Flynn, L Aitchison and A Taylor (all Corporate and Democratic Services).

Also in Attendance: Chief Superintendent A Todd, Chief Inspector I Scott and Sergeant K Thompson (all Police Scotland); Group Manager B McLintock and Station Manager J Kitt (both Scottish Fire and Rescue Service); D Wilkie (Tenants' Representative).

Apology for Absence: Councillor H Coates.

Councillor Barrett, Convener, Presiding.

Prior to the commencement of business:

### **(i) Chief Superintendent Paul Anderson**

The Convener paid tribute to the role and contribution made by Chief Superintendent Paul Anderson to the work of the Committee. He wished him well in his new role as Temporary Assistant Chief Constable for local policing for the East of Scotland.

### **606. WELCOME AND APOLOGIES**

The Convener welcomed Chief Superintendent Andrew Todd and all those present to the meeting. An apology for absence and a substitute was noted as above.

### **607. DECLARATIONS OF INTEREST**

Councillors C Ahern and S McCole both declared a Non-Financial interest in Art. 612.

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**608. MINUTE OF THE MEETING OF THE HOUSING AND COMMUNITIES COMMITTEE OF 22 AUGUST 2018 FOR APPROVAL AND SIGNATURE**

The minute of the meeting of the Housing and Communities Committee of 22 August 2018 (Art. 436-448) was submitted, approved as a correct record and authorised for signature.

**IN TERMS OF STANDING ORDER 34 THE COMMITTEE AGREED TO VARY THE ORDER OF BUSINESS TO CONSIDER ITEMS P1 & P2 AT THIS POINT AND TO RECOMMENCE THE PUBLIC SESSION WITH POLICE AND FIRE: LOCAL SCRUTINY AND ENGAGEMENT FOLLOWED BY THE COMMUNITY PLANNING PARTNERSHIP UPDATE.**

**IT WAS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULED 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

**609. SCOTTISH FIRE AND RESCUE SERVICE – OPERATIONAL UPDATE FOR PERTH AND KINROSS**

The Committee received and noted a verbal report from Group Manager B McLintock of the Scottish Fire and Rescue Service (SFRS) on information which was not to be made publically available.

**610. POLICE SCOTLAND – OPERATIONAL UPDATE FROM PERTH AND KINROSS**

The Committee received and noted a verbal report from Chief Inspector I Scott of Police Scotland “D” Division (Tayside) on information which was not to be made publically available.

**THE PUBLIC AND PRESS WERE RE-ADMITTED TO THE MEETING AT THIS POINT**

**611. POLICE AND FIRE REFORM: LOCAL SCRUTINY AND ENGAGEMENT**

**(i) Fire and Rescue Quarterly Performance Report – 1 July to 30 September 2018**

There was submitted a report by Area Manager G Pryde, Scottish Fire and Rescue Service (18/343) on the performance of the SFRS against the priorities, performance indicators and targets detailed within the Local Fire and Rescue Plan for Perth and Kinross 2017-20, for the second quarter, 1 July to 30 September 2018.

In response to a question from Councillor Ahern regarding the issue of road traffic collisions and the fact that the numbers of these appear to be decreasing whilst the number of casualties are on the increase,

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Group Manager McIntock advised that it is difficult to identify trends as to why this is the case, he offered assurances to the Committee that the Road Safety Partnership are pulling information together to help identify problems and preventative actions for these type of incidents.

Councillor Gray made reference to the recent fire in Auchterarder which involved acetylene cylinders contained within a domestic garage destroyed by the fire, and sought some clarity on how the threat from the asbestos roof was handled. In response Group Manager McIntock advised that due to the age of the building it was suspected that the roof would contain asbestos and the necessary precautions were taken and a cordon was set-up to prohibit access to the area. Once the fire had been extinguished discussions took place with representatives from Perth and Kinross Council and responsibility for clearing the site was handed back to the owner to then arrange for specialist removal of any materials.

Councillor Drysdale made reference to the amount of unwanted fire alarm signals that Scottish Fire and Rescue Service continually have to deal with, and queried whether the current process was appropriate or did they need to be reviewed to allow earlier intervention. In response Group Manager McIntock advised that their policy with regards to triggers had recently been reviewed for the third time and they were happy with these, he further advised the Committee of the work being done in Perth and Kinross around the top five type of premises, and also that schools are regularly highlighted for unwanted fire alarm calls and discussions are ongoing with Education and Children's Services around the best way to reduce these incidents.

F ROBERTSON AND D STOKOE ENTERED THE MEETING DURING THE FOLLOWING ITEM.

**(ii) Perth and Kinross Local Policing Area Performance Results –  
1 July to 30 September 2018**

There was submitted a report by Chief Superintendent A Todd, Police Scotland 'D' Division (Tayside) (18/344) on the performance of Police Scotland against the local policing priorities for the Perth and Kinross area as set out in the Local Policing Plan for the period 1 July – 30 September 2018.

Councillor Barrett made reference to the changes to the structure of road policing and that the report shows a significant increase in over 200 speeding offences and queried whether this was as a consequence of the restructuring or whether it was a result of any greater enforcement activity taking place locally. In response Chief Inspector Scott advised the restructuring changes had just come into force and the increases may have been as a result of a national campaign.

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Councillor Drysdale made reference to the six monthly figures on detection rates noting that some had undoubtedly improved but also that some of the more serious crimes (domestic abuse, drug trade related crimes, sexual crime, housebreaking etc) are all substantially down specifically in rural areas and queried whether this was due to a drain on resources caused by the significant events held in the area over the summer or were there any other issues at play specifically around police resourcing. In response Chief Inspector Scott advised that a number of officers were deployed from the local area to help with large events taking place, which impacts on the speed of ongoing enquiries and prevention work. However, officers responsible for the highlighted areas are not as affected by these events as the officers in communities are. He further advised that a reason for some of the detection rates dropping significantly is down to the number of historic crimes being reported and the lack of any forensic opportunities being available.

Councillor McEwan made reference to the Police Scotland digital transformation plan and asked how this would help. Councillor Barrett commented that the digital transformation plan was looking at ways to assist officers with entering data into systems only once, particularly for crimes that may straddle divisional borders and also enable officers to do more real time data input.

In response Chief Inspector Scott advised that this would bring challenges and opportunities for officers, he confirmed work was progressing with this and stated he would provide more detailed information to a future Committee.

Councillor Shiers made reference to the issue of winter resilience for businesses and queried how Police Scotland and other partners get out accurate and timely information to people on road closures and preparedness for inclement weather conditions. In response Chief Inspector Scott advised that there are media campaigns coming out which will be widely broadcast in local media to make people think about being prepared for any inclement weather conditions on the road, he further advised that the Police Scotland media office will be operating 24/7 and any immediate issues with roads can be put out over radio or via social media.

Councillor McCole queried whether Police Scotland had any specific strategies in place to help combat the issue of particular groups of people classified as vulnerable (the elderly or adults with learning difficulties) from being targeted for financial crimes. In response Chief Inspector Scott advised that work has been carried out with organisations involved and regular seminars are held involving banks employees, post offices employees, social workers, care home owners to highlight the types of issues that they should look out for, these have proved very useful.

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Councillor Drysdale made reference to the figures relating HMP Perth where there were 57 incidents, 8 reported as assaults and queried whether the other 49 incidents were mostly drug related. In response Chief Inspector Scott advised that although drugs was an issue this was not necessarily the case, incidents in prison can be wide ranging from communication offences in relation to domestic situations via writing letters out or making phone calls abusing partners etc, the creation and use of weapons, possession of mobiles phones or internet enabled devices continues to be one of the biggest areas of recorded criminality.

CHIEF SUPERINTENDENT A TODD, SERGEANT K THOMPSON, GROUP MANAGER B MCLINTOCK AND STATION MANAGER J KITT ALL LEFT THE MEETING AT THIS POINT.

**612. PERTH AND KINROSS COMMUNITY JUSTICE PARTNERSHIP ANNUAL REPORT 2017/18**

There was submitted a report by the Executive Director (Housing and Environment) (18/345) introducing the Perth and Kinross Community Justice Partnership Annual Report 2017-18.

**Resolved:**

The work being undertaken by the Perth and Kinross Community Justice Partnership and the Annual Report be endorsed.

CHIEF INSPECTOR I SCOTT LEFT THE MEETING AT THIS POINT.

**613. COMMUNITY PLANNING PARTNERSHIP UPDATE**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/342) providing an update on the activities of the Community Planning Partnership.

**Resolved:**

The progress made in relation to Community Planning be noted.

F ROBERTSON AND D STOKOE BOTH LEFT THE MEETING AT THIS POINT.

**614. HOUSING AND ENVIRONMENT SIX MONTH PERFORMANCE SUMMARY 2018/19 - EXCEPTION REPORT**

There was submitted a report by the Executive Director (Housing and Environment) (18/346) reviewing the performance of Housing and Environment against its Business Management and Improvement (BMIP) for the period 1 April to 30 September 2018.

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**Resolved:**

- (i) The Housing and Environment Six Month Performance Summary 2018/19, as detailed in Appendix 1 to Report 18/346, and pertaining to this Committee's area of responsibility, be approved.
- (ii) It be noted that Report 18/346 would be submitted to the Environment and Infrastructure Committee on 7 November 2018 for approval pertaining to that Committee's areas of responsibility;
- (iii) It be noted that Report 18/346 would be submitted to the Scrutiny Committee on 28 November 2018 for scrutiny and comment as appropriate.

**615. RAPID REHOUSING TRANSITION PLAN**

There was submitted a report by the Executive Director (Housing and Environment) (18/347) providing a background to Rapid Rehousing Transition Plans (RRTP) and the current work that is underway to develop the plan for Perth and Kinross Council.

**Resolved:**

- (i) The work currently underway to develop a Rapid Rehousing Transition Plan as detailed in Report 18/347 be endorsed.
- (ii) It be agreed that the draft Rapid Rehousing Transition Plan be submitted to the Scottish Government before the deadline of 31 December 2018, with final approval by Committee in January 2019.
- (iii) The Executive Director (Housing and Environment) be requested to circulate the draft plan to all members of the Committee on its submission to the Scottish Government.

**616. STRATEGIC HOUSING INVESTMENT PLAN**

There was submitted a report by the Executive Director (Housing and Environment) (18/348) seeking approval of the revised Perth and Kinross Council Strategic Housing Investment Plan for the period 2019/20 to 2024/25.

**Resolved:**

- (i) The revised Perth and Kinross Council Strategic Housing Investment Plan 2019/20 – 2024/25, as detailed in Appendix 1 to Report 18/348, be approved.
- (ii) The Executive Director (Housing and Environment) be authorised to ensure that where projects fall out of the plan, alternative projects prioritised in the same way can be substituted.

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PERTH AND KINROSS COUNCIL
LIFELONG LEARNING COMMITTEE
31 OCTOBER 2018

LIFELONG LEARNING COMMITTEE

Minute of meeting of the Lifelong Learning Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 31 October 2018 at 2.00pm.

Present: Councillors C Shiers, W Wilson, C Purves, H Anderson, K Baird, S Donaldson (substituting for Councillor B Pover), J Duff (substituting for Councillor A Coates), A Forbes, X McDade, T McEwan, J Rebbeck, C Reid and F Sarwar; Mrs P Giles, Mrs A McAuley, Mr R McCall and Mrs C Weston.

In attendance: Councillor A Parrott; S Devlin, Executive Director (Education and Children's Services); J Pepper, R Hill, S Johnston, G Boland, P Davison, G Doogan, E Paul, D Macleod, L Richards, H Robertson, K Robertson and C Taylor (all Education and Children's Services); J Beveridge (Housing and Environment); A O'Brien, S Rodger; C Vaskevicius, C Flynn and L Brown (all Corporate and Democratic Services) and E Cruickshank (NHS Tayside).

Apologies for absence: Councillors A Coates and B Pover; Mr F Macdonald and Mrs M McFarlane.

Councillor C Shiers, Convener, Presiding.

617. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. Apologies for absence were noted as above.

618. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

619. MINUTES

(i) Lifelong Learning Committee

The minute of meeting of the Lifelong Learning Committee of 22 August 2018 (Arts. 449-461) was submitted, approved as a correct record and authorised for signature.

(ii) Joint Negotiating Committee for Teaching Staff

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 19 June 2018 was submitted and noted. (**Appendix I**)

620. COMMUNITY PLANNING PARTNERSHIP

(i) Children, Young People and Families Partnership

The minute of meeting of the Children, Young People and Families Partnership of 8 June 2018 was submitted and noted.

(ii) Economy and Lifelong Learning Group

The minute of meeting of the Economy and Lifelong Learning Group of 23 February 2018 was submitted and noted.

621. NON-COUNCIL MEMBERS

The appointment of Mrs Carolyn Weston, representing the Primary School Sector and Mrs Audrey McAuley, representing the Secondary School Sector as non-voting members of the Lifelong Learning Committee be noted.

622. STATUTORY CONSULTATION – BALHOUSIE PRIMARY SCHOOL

There was submitted a report by the Executive Director (Education and Children's Services) (18/349) (1) informing of the outcome and findings of the statutory consultation exercise undertaken in respect of the formal proposal to close Balhousie Primary School as detailed in the published Consultation Report, attached as Appendix A; and (2) seeking approval to implement the proposal from August 2022.

Motion – (Councillors C Shiers and C Purves)

- (i) The content of the Consultation Report attached as Appendix A be noted.**
- (ii) The implementation of the following proposals be approved:**
- **Education provision at Balhousie Primary School be permanently discontinued with effect from 31 July 2022, or as soon as possible thereafter;**
 - **The pupils of Balhousie Primary School catchment area permanently receive their education at a larger, new build North Muirton Primary School, from August 2022, or as soon as possible thereafter, and**
 - **The delineated catchment area of North Muirton Primary School be permanently extended to subsume the whole delineated catchment area of Balhousie Primary School from August 2022.**

Amendment – (Councillors J Rebbeck and F Sarwar)

On the basis of the feedback that supported strongly the retention of Balhousie Primary School and on the contention that no strong case has been made that the benefits to education promised at North Muirton could not, with proper resources, be provided at Balhousie Primary School, it is recommended that the Committee:

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- (i) Notes the contents of the Consultation Report attached as Appendix A.
- (ii) Approves the following proposals:
 - Education provision at Balhousie Primary School should be continued beyond 31 July 2022 and options for its full refurbishment should be investigated;
 - Both North Muirton and Balhousie Primary School catchment areas should remain unchanged;
 - North Muirton Primary School should be rebuilt with capacity as appropriate to the North Muirton catchment area.

In terms of Standing Order 58 a roll call vote was taken.

5 members voted for the Amendment as follows:

Councillors Anderson, Donaldson, McEwan, Rebbeck and Sarwar.

9 members voted for the Motion as follows:

Councillors Baird, Duff and Forbes, Mrs P Giles, Councillors McDade, Purves, Reid, Shiers and Wilson.

Resolved:

In accordance with the Motion.

623. STATUTORY CONSULTATION – FORTEVIOT PRIMARY SCHOOL

There was submitted a report by the Executive Director (Education and Children's Services) (18/350) (1) informing of the outcome and findings of the statutory consultation exercise undertaken in respect of the formal proposal to close Forteviot Primary School as detailed in the published Consultation Report, attached as Appendix A; and (2) seeking approval to implement the proposal from 1 July 2019.

Resolved:

- (i) The contents of the Consultation Report, attached as Appendix A to Report 18/350 be noted.
- (ii) The implementation of the following be approved:
 - Education provision at Forteviot Primary School be permanently discontinued with effect from 28 June 2019, or as soon as possible thereafter;
 - The pupils of Forteviot Primary School catchment area permanently receive their education at Forgandenny Primary School, from 1 July 2019 or as soon as possible thereafter; and
 - The delineated catchment area of Forgandenny Primary School be permanently extended to subsume the whole delineated catchment area of Forteviot Primary School from 1 July 2019.

THE COMMITTEE ADJOURNED AT 3.20PM AND RECONVENED AT 3.25PM

624. DIGITAL STRATEGY – EDUCATION AND CHILDREN’S SERVICES

There was submitted a report by the Executive Director (Education and Children’s Services) (18/351) detailing Education and Children’s Services strategy for the development of digital literacy, digital skills and the use of technology in learning and teaching within educational establishments in Perth & Kinross.

Resolved:

The Education and Children’s Services Digital Strategy as appended to Report 18/351 be approved and the extensive consultation undertaken with stakeholders in the preparation of the strategy be noted.

625. RAISING ATTAINMENT STRATEGY UPDATE 2018

There was submitted a report by the Executive Director (Education and Children’s Services) (18/352) (1) providing a progress update on the Raising Attainment Strategy 2016-2019; and (2) presenting information on a range of measures designed to both improve performance and monitor progress of improvements.

Resolved:

- (i) The ongoing activity and progress across Education and Children’s Services to achieve the priorities of the National Improvement Framework for Education, as well as Perth and Kinross Council’s Raising Attainment Strategy 2016-2018, as detailed in Report 18/352, be noted.
- (ii) A further report on progress be submitted to the Lifelong Learning Committee in 12 months’ time.
- (iii) It be noted that the Report 18/352 will also be submitted to the Scrutiny Committee on 28 November 2018 for scrutiny and comment.

COUNCILLOR McEWAN LEFT THE MEETING AT THIS POINT.

626. PUPIL EQUITY FUND SPEND 2017-18

There was submitted a report by the Executive Director (Education and Children’s Services) (18/353) providing details of the use of the Pupil Equity Fund allocation across all eligible schools up to 30 June 2018.

Resolved:

- (i) The contents of Report 18/353 be noted.
- (ii) The Perth and Kinross Pupil Equity Fund guidance as detailed In Appendix 1 to Report 18/353 be noted.
- (iii) The Perth and Kinross school allocations and spend for 2017-18 as detailed in Appendix 2 to Report 18/353 be noted.
- (iv) The Executive Director (Education and Children’s Services) be requested to provide a further report in November 2019 to the Lifelong Learning Committee detailing Pupil Equity Fund spend during 2018-19.

MR R McCALL LEFT THE MEETING AT THIS POINT

**627. TAYSIDE REGIONAL IMPROVEMENT COLLABORATIVE (TRIC)
PROGRESS AND TRIC PLAN (PHASE 2) 2018 REPORTS**

There was submitted a report by the Executive Director (Education and Children's Services) (18/354) (1) providing a year one update on the progress made by the Tayside Regional Improvement Collaborative (TRIC) in taking forward the first joint Integrated Children's Services Plan – The Tayside Plan for Children, Young People and Families 2017-20; and (2) seeking comment on the Phase Two Plan for the education focused aspects of collaborative work.

Resolved:

- (i) The progress made in the past year as detailed in Report 18/354 be noted.
- (ii) The Executive Director (Education and Children's Services) be instructed to bring a progress report back to the Lifelong Learning Committee in November 2019.

628. RESTORATIVE APPROACHES – EVALUATION REPORT

There was submitted a report by the Executive Director (Education and Children's Services) (18/355) (1) advising of the Restorative Approaches implemented across Perth and Kinross schools as part of the strategy of promoting positive behaviour in schools and offering alternatives to school exclusion; and (2) providing an update on Restorative Approaches and its effects on schools at the end of academic year 2017/18.

Resolved:

- (i) The Restorative Approaches update within schools in Perth and Kinross Council, as detailed in Report 18/355, be noted.
- (ii) The Executive Director (Education and Children's Services) be requested to arrange an interactive session for the members of the Lifelong Learning Committee on Restorative Approaches to be led by the Community School of Auchterarder.

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**JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF**

Minute of meeting of the Joint Negotiating Committee for Teaching Staff (JNCT) held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Tuesday 19 June 2018 at 2.30pm.

**Present:** **Representing Perth and Kinross Council**  
Councillors K Baird and C Shiers; R Hill, S Johnston, T Pupillo, and A Thomson (all Education and Children's Services); P Steel (Corporate & Democratic Services).

**Representing Teachers' Associations**  
E Campbell, J Cook, and C Weston (all EIS); A Johnston and M Mackie (substituting for C Rose); and S Topen-Cooper (NASUWT).

**In Attendance:** P Davison and K Robertson (ECS); C Flynn and L Brown (for Joint Secretary, Management Side).

**Apologies:** Councillor J Rebbeck; A McAuley; S Devlin and D MacLeod (Management side); B Berhane and C Rose (Teachers' side)

E Campbell, Convener, Presiding.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted and noted as above.

**2. DECLARATIONS OF INTEREST (ELECTED MEMBERS ONLY)**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 16 January 2018 was submitted and approved as a correct record subject to the replacement of the word Nursery with word Numeracy in line 4 of paragraph 4(ii).

**4. MATTERS ARISING**

**(i) New Routes into Teaching – (Item 4(iii) refers)**

R Hill advised that the Post Graduate Certificate of Education supported induction route does meet the standards required for registration. He agreed to email the feedback received from Dundee University in regard to co-teaching to C Weston.

**(ii) Revised Procedure for Head Teacher/Depute Head Teacher Appointment Procedure (Item 7 refers)**

S Johnston reported a number of Primary Head Teacher appointments had gone through the new appointment process. Informal feedback received from the appointment panels had been positive. Panels had intimated that the information being received is from a richer source which gives a much broader picture of the candidate. S Johnston advised that a further 5 interviews were scheduled to take place before the end of the current school session.

P Nicol is currently compiling formal questions for interviewees asking for their views on the process to date.

C Weston welcomed the introduction of the revised procedures. She felt it was a more enjoyable process for all involved and a great improvement on the previous interview process.

The Committee noted a report on the feedback received from candidates on the new interview process would be submitted to a future meeting.

**5. MEMBERSHIP**

The following changes to the membership of the Joint Negotiating Committee for Teaching Staff were noted:

Management Side

Councillor Baird to replace Councillor McCall

Sean Hagney to replace Thirza Pupillo

Margaret Donaghy to replace Angela Thomson

Teachers side

Matthew Mackie to replace Alan Johnstone

Murray Swan to replace Caroline McDonald

**6. APPOINTMENT OF VICE CONVENER**

The Committee noted as Councillor McCall was no longer a member of the Lifelong Learning Committee her position as Vice Convener of the JNCT required to be filled.

Councillor Shiers, seconded by R Hill nominated Councillor K Baird. There being no other nominations Councillor Baird was duly appointed Vice Convener for the Management side.

**7. REPORTS OF VIOLENCE AND AGGRESSION AGAINST STAFF IN SCHOOLS – TERM 3 (8 JANUARY 2018–29 MARCH 2018) – ACADEMIC SESSION 2017-2018**

There was submitted a statistical report by the Executive Director (Education and Children's Services) (G/18/54) detailing the number of reported incidents of violence and aggression against staff in schools during the period 8 January to 29 March 2018.

P Davison also provided a demonstration of the new on-line process for recording incidents currently being piloted in some schools. He advised that staff can download a pdf of their submission.

The Committee noted the position.

**The Committee agreed to vary the order of business on the agenda to consider the following as the next item**

**8. GENERAL DATA PROTECTION REGULATIONS**

P Davison provided an update on the introduction of the new general data protection regulations (GDPR). He advised that further information to assist with the implementation of GDPR in schools would shortly be made available on eric.

**Post meeting note:** Click on hyperlink below to view general information on the implementation of GDPR.

<http://eric/councilservices/ecs/GeneralInformation/ecsd/default.aspx>

**9. TRADE UNION ACT 2017 – FACILITY TIME OFF REPORTING REQUIREMENTS**

There was submitted a report by the Human Resource Manager (G/18/88) providing information on the requirement for time spent on Trade Unions activities by Council employees to be recorded and reported on each year, as laid out in the Trade union (Facility Time Publications Requirements) Regulations 2017.

The Committee noted all trade union activities and duties will be recorded via My View from 1 April 2018 onwards. This method will allow the extraction of accurate data required for annual statutory reporting purposes.

**10. UPDATE – MODERNISING MIDDLE MANAGEMENT IN SECONDARY SCHOOL**

There was submitted for information an update report (G/18/89) on the progress of modernising middle management in secondary schools since the JNCT was asked to note the position paper in April 2011. The report also outlined an updated position regarding the development and management of Faculties moving forward.

C Weston suggested paragraphs 3.4 and 3.11 of the report contradicted each other and suggested the last sentence of paragraph 3.11 be amended.

Following discussion the Committee noted the progress of modernising middle management in secondary schools since the JNCT was asked to note the position paper in April 2011.

**11. TAYSIDE REGIONAL IMPROVEMENT COLLABORATIVE (TRIC)**

R Hill advised that the S Devlin had been appointed as the area lead officer for TRIC. In Tayside TRIC encompasses the whole of the children's services function. Five lead regional collaboratives are reporting to Scottish Government and Education Scotland on how they plan to raise attainment.

**12. BERTHA PARK HIGH SCHOOL**

R Hill advised a Head Teacher had now been appointed for the new secondary school and a Principal Teachers for Guidance and Support for Learning has also been appointed. The Principal Teachers will be based at Perth Grammar School for one year.

The new access road to the school was scheduled to open in the forthcoming week. The topping off ceremony for the new school is scheduled to take place in July 2018.

Discussions have taken place with the University of Stirling regarding the school's curriculum and vision and values. Together with the shadow parent focus group the Council is working with Perth College UHI on the design of the new school's badge and uniform.

In concluding R Hill advised that building works are 3 weeks ahead of schedule with the school due to open on 19 August 2019.

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**13. SCHOOL TERM AND HOLIDAY DATES 2019-2020 AND 2021**

There was submitted a report by the Executive Director (Education & Children's Services) G/18/105 on the proposals for the school term holiday dates for 2019-2020 and 2021.

The Teachers' side agreed that it would make sense for Perth and Kinross Council school holidays to sync with those in the TRIC as this would be easier for parent, pupils, teachers and in the interests of collaborative working.

K Robertson advised that the public holidays allocated by Perth and Kinross Council for the Easter weekend differed from that of Dundee and Angus Council and sought the teachers views on whether these should also be synced with Dundee and Angus or if the status quo should remain. In response C Weston requested that this element of the school term and holidays dates be taken back to teachers for further discussion.

K Robertson requested any feedback be provided as soon as possible as a report required to be submitted to the Lifelong Learning Committee in August 2018.

**14. DRAFT CALENDAR OF SCHOOL CLOSURE/ANNUAL LEAVE**

There was submitted and noted for information a paper from the Executive Director (Education & Children's Services) (G/18/106) on the draft calendar of school closure and annual leave for Academic Session 2018/2019.

**15. ANY OTHER COMPETENT BUSINESS**

**(i) Valedictory**

The Convener reported Alan Johnstone would shortly be retiring and was attending his last meeting of the Joint Negotiating Committee. On behalf of the Committee he thanked Alan for his support to the Teachers Panel and to the Joint Negotiating Committee and wished him a long and happy retirement.

**16. DATE OF NEXT MEETING**

18 September 2018 at 2.30pm.

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ENVIRONMENT AND INFRASTRUCTURE COMMITTEE

Minute of meeting of the Environment and Infrastructure Committee held in the Council Chamber, 2 High Street, Perth on 7 November 2018 at 10.00am.

Present: Councillors A Forbes (from Arts 629 to 640, and Art 642 to 648), A Bailey, K Baird, M Barnacle (up to Art 642), P Barrett (substituting for Councillor W Robertson), S Donaldson, E Drysdale (substituting for Councillor D Doogan), J Duff, T Gray (substituting for Councillor A Parrott) (up to Art. 642), A Jarvis, G Laing, R McCall, C Reid, M Williamson and W Wilson (substituting for Councillor L Simpson).

In Attendance: B Renton, Executive Director (Housing and Environment); K McNamara, Depute Director (Housing and Environment); A Clegg, S Best, L Brown, S D'All, D Dickson, A Finlayson, C Haggart, H Hope, N McGill, B Reekie, J Scott, A Seggie, D Stubbs (all Housing and Environment); C Flynn and K Molley (both Corporate and Democratic Services); C Dews (for Art 641 (Limelight Sports)).

Apologies for Absence: Councillors D Doogan, A Parrott, W Robertson and L Simpson.

Councillor A Forbes, Convener, Presiding.

629. WELCOME AND APOLOGIES

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

630. DECLARATIONS OF INTEREST

- In terms of the Councillors' Code of Conduct;
- (i) Councillors S Donaldson and T Gray both declared a non-financial interest in Art. 633.
 - (ii) Councillors E Drysdale, T Gray, A Jarvis, R McCall and W Wilson all declared a non-financial interest in Art. 643.
 - (iii) Councillor A Forbes declared a financial interest in Art. 641.

631. REQUEST FOR DEPUTATION

In terms of Standing Order 72, The Committee agreed that Morag Watson, Perth and Kinross Countryside Trust be allowed to address the Committee in relation to Art. 633.

The Committee agreed to vary the order of items on the agenda and to take the Auchterarder Community Facilities Fund report before item 4.

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632. MINUTE OF PREVIOUS MEETING

The minute of the meeting of the Environment and Infrastructure Committee of 5 September 2018 (Arts 477 – 495.) was submitted and approved as a correct record and authorised for signature.

633. AUCHTERARDER COMMUNITY FACILITIES FUND

Ms Watson addressed the Committee with a presentation and answered questions from members.

The Convener thanked Ms Watson for her attendance.

There was submitted a report by the Executive Director (Housing and Environment) (18/367) seeking the determination of an application for funding from Perth and Kinross Countryside Trust for a contribution of £100,000 towards a major project for improvements to Provost's Walk in Auchterarder.

Resolved:

Perth and Kinross Countryside Trust be awarded a grant of £100,000 towards the cost of the third and final phase of the Provost Walk upgrade, Auchterarder.

M WATSON LEFT THE MEETING AT THIS POINT.

634. HOUSING AND ENVIRONMENT SIX MONTH PERFORMANCE SUMMARY 2018/19 – EXCEPTION REPORT

There was submitted report by the Executive Director (Housing and Environment) (18/346) reviewing the performance of Housing and Environment against its Business Management and Improvement Plan (BMIP) for the period 1 April to 30 September 2018.

Resolved:

- (i) The contents of the Housing and Environment Six Month Performance Summary 2018/19 – Exception Report, attached as Appendix 1 to Report 18/346, pertaining to this Committee's areas of responsibility, be approved.
- (ii) It be noted that Report 18/346 had been approved by the Housing and Communities Committee on 31 October 2018 pertaining to that Committees areas of responsibility and would be submitted to the Scrutiny Committee on 28 November 2018 for scrutiny and comment as appropriate.

635. ANNUAL PLANNING ENFORCEMENT REPORT 2017/18

There was submitted a report by the Executive Director (Housing and Environment) (18/361) (1) analysing performance within the Planning Enforcement function of the Planning Service for the year 2017/18; (2) highlighting examples of best practice developed and undertaken within the team; and (3) seeking Committee approval for the future reporting of performance.

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Resolved:

- (i) The Annual Planning Enforcement Report for 2017/18, be endorsed.
- (ii) The Executive Director (Housing and Environment) be requested to bring forward a further report following publication of the annual performance statistics for 2018/19.

636. WASTE MANAGEMENT PLAN 2010-2025 – PROGRESS REPORT

There was submitted a report by the Depute Director (Housing and Environment) (18/362) (1) providing an update on progress with the Action Plan of the Perth and Kinross Council Waste Management Plan; and (2) recommending approval of the new actions 97-98 (shown in Appendix 1B) which are in line with recent national regulatory and strategic developments.

Resolved:

- (i) The annual update on progress on the Waste Management Action Plan be endorsed.
- (ii) The new actions (number 97-98) of the Waste Management Action Plan, set out in Appendix 1B to report 18/362, be approved.
- (iii) The Depute Director (Housing and Environment) be requested to bring back a further report in November 2019.

637. GREENSPACE ASSET ANNUAL STATUS REPORT

There was submitted a report by the Executive Director (Housing and Environment) (18/363) (1) presenting a status summary of the Council's Greenspace assets as at 31 March 2018; (2) describing the current condition of the asset, the standards achieved and performance indicator information; and (3) highlighting the continued support by community groups which supports greenspace to maintain and enhance the greenspace asset.

Resolved:

- (i) The contents of report 18/363 be endorsed.
- (ii) The Executive Director (Housing and Environment) be requested to submit an annual report on the performance of, and investment in, the Council's Greenspace Assets in accordance with the approved Asset Management Plan, including benchmarking information.

638. ROADS ASSET ANNUAL STATUS REPORT – 2017/18

There was submitted a report by the Executive Director (Housing and Environment) (18/364) (1) presenting a status summary of the Council's roads assets based upon the latest published Scottish local authority data as at 31 March 2018 and; (2) describing the current condition of the asset, the standards achieved and providing performance indicator information to allow benchmarking of results.

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Resolved:

- (i) The contents of the Roads Asset Status Report, together with the condition and performance of the Council's Roads assets as at 31 March 2018, as set out in Appendix 2 to report 18/364, be endorsed.
- (ii) The Executive Director (Housing and Environment) be requested to submit an annual report on the performance of, and investment in, the Council's Roads assets in accordance with the approved Asset Management Plan, including benchmarking information.

639. FREE FESTIVE PARKING

There was submitted a report by the Executive Director (Housing and Environment) (18/365) recommending that the Free Festive Parking initiative operates on each Saturday from 1 December until 29 December 2018 inclusive in all Council operated car parks across the whole Perth and Kinross area.

Resolved:

It be agreed to offer free parking on Saturdays from 1 December to 29 December 2018 inclusive in all Council operated car parks across the whole Perth and Kinross area, as detailed in Appendix 1 to report 18/365.

640. PROPOSED TAYSIDE NETWORK MANAGEMENT PARTNERSHIP

There was submitted a report by the Depute Director (Housing and Environment) (18/366) seeking approval to undertake a 15 month trial for a collaboration of roads network and traffic control services, with Angus and Dundee City Councils.

Resolved:

- (i) The 15 month pilot for the Tayside Network Management Partnership, be approved.
- (ii) The Depute Director (Housing and Environment) be requested to bring a further report to Committee with the outcome of the pilot.

COUNCILLOR FORBES LEFT THE MEETING AT THIS POINT. COUNCILLOR BAIRD TOOK THE CHAIR.

641. ETAPE CALEDONIA EVENT

C Dews (Limelight) addressed the Committee and answered questions from members.

There was submitted a report by the Executive Director (Housing and Environment) (18/368) (1) updating the Committee on the Etape Caledonia event (2) asking committee to note the change of responsibility for event management and operational delivery from IMG to Limelight Sports; and (3) seeking permission for the continued use of the roads network for the purposes of the Etape Caledonia.

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Resolved:

- (i) It be noted that the Etape Caledonia event would be operated under licence from IMG.
- (ii) It be noted that the event management would be the responsibility of Limelight Sports.
- (iii) The use of the roads network for the purposes of the Etape Caledonia event by Limelight Sports, on the basis of the existing approved 85 miles route (and 40 miles option route for 2019 and 2020), be approved.
- (iv) The Executive Director (Housing and Environment) be requested to bring back a further report on the Etape Caledonia with specific reference to any request for a proposal future variation or extension of the route.
- (v) A report on the Etape Caledonia with specific reference to any request for a proposal future variation or extension of the route.

COUNCILLOR FORBES RE- ENTERED THE MEETING AT THIS POINT.

THERE FOLLOWED A FIVE MINUTE RECESS AND THE MEETING
RECONVENED AT 12.02

642. NORTH INCH GOLF COURSE ANNUAL REPORT 2017/18

There was submitted a report by the Executive Director (Housing and Environment) (18/369) bringing forward the North Inch Golf Course – Annual Report 2017/18, based on the previously approved Business Plan.

Resolved:

- (i) The North Inch Golf Course Annual Report 2017/18, as set out in Report 18/369, be endorsed.
- (ii) The Executive Director (Housing and Environment) to submit the 2018/19 Annual Report to Environment and Infrastructure Committee in November 2019.

COUNCILLORS M BARNACLE AND T GRAY LEFT THE MEETING AT THIS POINT.

643. DIVERSION OF RIGHT OF WAY AND CORE PATH AT PANHOLES LEVEL CROSSING, BLACKFORD

There was submitted a report by the Executive Director (Housing and Environment) (18/370) relating to the proposed diversion of a right of way and core path, the stopping up of the pedestrian level crossing and the construction of a replacement footbridge at Panholes, near Blackford.

Resolved:

- (i) The stopping up and diversion of the footpath from A to B via C (the level crossing) to an area of ground from A to B via D and E, as shown in Appendix 3 of Report 18/370, at Panholes, Blackford (pedestrian right of way 21/29/3 and core path BLFD/3), in terms of the Town and Country Planning (Scotland) Act 1997, Section 208, be agreed.

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- (ii) The Head of Legal & Governance to undertake the diversion order process to confirm the order, including participating in a local inquiry, if required.
- (iii) The Executive Director (Housing & Environment) to amend the Council's Register of Public Rights of Way and the Core Path Plan to reflect the stopping up and diversion order.
- (iv) The developer, Network Rail Infrastructure Limited, to meet the costs associated with the Diversion Order.

**644. PROPOSED 30MPH SPEED LIMIT AT ABERNYTE (U142 OFF B953)
(Ward 1)**

There was submitted a report by the Depute Director (Housing and Environment) (18/371) (1) detailing a proposal to introduce a 30mph speed limit at Abernyte (U142 Off B953) (Ward 1); and (2) recommending the start of varying the Traffic Regulation Order to 30mph Speed Limit.

Resolved:

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 30mph speed limit, as show in Appendix 1 to the report 18/371, be approved.

**645. PROPOSED 40MPH SPEED LIMIT AT GAULS OF MURTHLY (U116)
(WARD 5)**

There was submitted a report by the Depute Director (Housing and Environment) (18/372) (1) detailing a proposal to introduce a 40mph speed limit at Gauls of Murthly (U116) (Ward 5); and (2) recommending the start of the varying Traffic Regulation Order for the 40mph Speed Limit.

Resolved:

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 40mph speed limit, as shown in Appendix 1 to the report 18/372, be approved.

**646. PROPOSED VARIATION TO WAITING RESTRICTIONS GALLOWHILL
ROAD/MUIRS & HIGH STREET, KINROSS (Ward 8)**

There was submitted a report by the Executive Director (Housing and Environment) (18/374) outlining the problems experienced by residents in Gallowhill Road/Muir's and High Street, Kinross due to indiscriminate parking; and (2) recommending a start to the process to vary the Kinross Traffic Management Order to introduce additional waiting restrictions Gallowhill Road/Muir's and High Street, Kinross (Ward 8).

Resolved:

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time waiting restrictions on Gallowhill Road/Muir's and High Street, as described in Appendix 1 to the report 18/374, be approved.

647. PROPOSED VARIATION TO WAITING RESTRICTIONS, TAY STREET, PERTH (WARD 12)

There was submitted a report by the Depute Director (Housing and Environment) (18/375) (1) outlining the problems experienced by residents in Tay Street, Perth with poor visibility due to parked vehicles; and (2) recommending a variation to the Perth Traffic Management Order to start the process of introducing additional waiting restrictions on Tay Street, Perth (Ward 12).

Resolved:

The promotion of a variation to the relevant Traffic Regulation Order to remove a single Pay and Display parking bay and introduce No Waiting at Any Time restrictions on Tay Street, as described in Appendix 1 to the report 18/375, be approved.

648. AMMENDMENTS TO THE LIST OF PUBLIC ROADS

There was submitted a report by the Depute Director (Housing & Environment) (18/376) recommending that the List of Public Roads be updated to take account of the amendments detailed in this report.

Resolved:

The amendments to the List of Public Roads, as detailed in Appendix 1 to the report 18/376, be approved.

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AUDIT COMMITTEE  
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## **AUDIT COMMITTEE**

Minute of meeting of the Audit Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 7 November 2018 at 2.00pm.

Present: Councillors E Drysdale, S Donaldson, D Illingworth, A Jarvis (substituting for A Coates) X McDade, M Williamson (substituting for B Band) and W Wilson.

In Attendance: K Reid, Chief Executive; J Clark, C Irons, S Mackenzie, M Morrison, L Simpson, G Taylor and M Willis (all Corporate and Democratic Services); J Cockburn (Education and Children's Services); L Brady, I Caldow, F Crofts, K Fraser, M Mitchell and A Taylor (Housing and Environment).

Apologies Councillors B Band and A Coates.

Councillor Drysdale, Convener, Presiding.

### **649. WELCOME AND APOLOGIES/SUBSTITUTIONS**

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

### **650. ORDER OF BUSINESS**

L Simpson, Head of Legal and Governance Services expressed concerns over the press coverage following the Report 18/359. She clarified some points of accuracy and advised that in terms of legislation it might be appropriate for the Committee to consider the report in private. She also advised that the focus of the Audit Committee should be a discussion around the relevant internal controls and the improvement actions being recommended.

#### **Resolved:**

The press and public be excluded during consideration of Art. 657(i)(a).

### **651. DECLARATIONS OF INTEREST**

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

### **652. MINUTE**

The minute of meeting of the Audit Committee of 26 September 2018 (Arts 514-520) was submitted and approved as a correct record and authorised for signature.

It was noted that two members of staff had now been recruited to the Audit Team.



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**653. INTERNAL AUDIT FOLLOW UP**

There was submitted a report by the Chief Internal Auditor (18/357) presenting a current summary of Internal Audit's follow up work.

**Resolved:**

- (i) The current position in respect of the agreed actions arising from internal and external work, be noted.
- (ii) The action plans be progressed, taking into account the recorded audit opinions.

**654. INTERNAL AUDIT UPDATE**

There was submitted a report by the Chief Internal Auditor (18/356) presenting a summary of Internal Audit's work.

In response to a question from Councillor McDade, J Clark advised there was no further information on the Tay Cities Deal at this time.

J Clark confirmed the scope of the audit of the Arms-Length External Organisations had not yet been finalised and that the audit of Welfare Reform would include reference to Universal Credit.

Councillor Wilson acknowledged the Internal Audit Team had been short-staffed and queried if the Team were on target to complete the Audit Plan. J Clark assured Committee that with the new staff in post the Team would be able to complete the plan.

**Resolved:**

The progress of assignments from the 2018/19 Audit Plan, be noted.

**655. EXTERNAL QUALITY ASSESSMENT**

There was submitted a report by the Chief Internal Auditor (18/358) on the outcomes of the validated self-assessment which fulfils the requirements of the Public Sector Internal Audit Standards to ensure that there was an external quality assessment of internal audit.

It was noted that the annual review and supporting evidence had been examined by the Acting Chief Internal Auditor of South Ayrshire Council.

J Clark advised that the action plan had been taken forward.

The Convener stated it was a very positive report and Councillor Donaldson agreed it was an excellent report and J Clark and her team should be congratulated. Councillor Donaldson also referred to developing a suite of key performance indicators (KPI's) to measure service delivery and asked what areas were to be looked at. J Clark advised proposals for KPI's would be reported to Committee following benchmarking with other Local Authorities to ensure they were useful and meaningful.

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Councillor Wilson asked if there were plans to review and update the Public Sector Internal Audit Standards 2013 under which the review had been undertaken.

J Clark advised that there had been a review since 2013 but no major changes had resulted and she was not aware of any further planned review.

**Resolved:**

The outcome of the independent validation of Internal Audit's self-assessment of compliance with the Public Sector Internal Audit Standards, be noted.

**656. INTERNAL AUDIT UPDATE**

**(ii) Housing and Environment**

**(a) 18-12 – Management of Contracts**

There was submitted a report by the Chief Internal Auditor (18/360) on an audit to ensure the adequacy of arrangements in respect of contract management.

The Convener welcomed Mary Mitchell, Corporate Procurement Manager to the meeting.

J Clark advised that the audit had assessed contract management across a number of areas; contracts had been selected from the Housing and Environment Service as they dealt with the highest number of contracts. The actions required from the audit had been completed swiftly following actions being reported to managers and training had been undertaken.

M Mitchell provided a background to the procurement process for members' information.

Councillor Donaldson asked how training was delivered as training budgets had been cut and M Mitchell advised they were delivered in-house either by the Procurement Team or by Legal and Governance. Procurement Team training was kept up-to-date so that the Team could train other staff.

Councillor Donaldson referred to there being two of five contracts not notified to Public Contracts Scotland within the appropriate time limit and asked how much out of time they were; what sanctions there were and if there was reputational risk. M Mitchell advised that a report on all contracts was produced every Monday to follow up on each. EU contracts had to be notified within 30 days and M Mitchell was not aware of any sanctions although there could be some legal risk. M Mitchell agreed to provide Councillor Donaldson with information on how much out of time the two contracts had been.

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**Resolved:**

Internal Audit's findings, as detailed in Report 18/360, be noted.

K REID AND M MITCHELL LEFT THE MEETING AT THIS POINT.

**IT WAS AGREED THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH WAS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT,1973**

**657. INTERNAL AUDIT UPDATE**

**(i) Corporate and Democratic Services**

**(a) 18-37 Cash Office Review**

There was submitted a report by the Chief Internal Auditor (18/359) to ensure controls for the collection and banking of income through the cash office at Pullar House were in place and operating effectively.

J Clark advised that this audit had been carried out in addition to the Audit Plan for 2018/19 and arose as a result of the theft of monies from the cash office. J Clark advised that the control environment had been tightened and measures put in place to detect if inappropriate transactions were being made.

**Resolved:**

Internal Audit's findings, as detailed in Report 18/359, be noted.

**658. VALEDICTORY**

The Convener referred to the retiral of Gillian Taylor at the end of November 2018. Gillian had been in Local Government for 39 years with 22 of those in Perth and Kinross. The Convener thanked Gillian for a lengthy and exemplary service to Perth and Kinross Council.

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PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 13 November 2018 at 10.30am.

Present: Councillors B Brawn, R McCall and W Wilson.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (Housing and Environment); L Aitchison (Corporate and Democratic Services); members of the public, including agents and applicants.

659. APPOINTMENT OF ACTING CONVENER

Councillor W Wilson was unanimously appointed as Acting Convener for the meeting.

Councillor W Wilson, Presiding.

660. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

661. MINUTE

The minute of meeting of the Local Review Body of 16 October 2018 was submitted and noted subject to the following amendment:

On Page 4, line 6, reference to the *appointed officer*, should read *applicant*.

662. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(556) – Planning Application – 18/01176/IPL – Residential Development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty – Lomond Group (Scotland) Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

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Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Interim Development Quality Manager be requested to comment on the Tree Survey Report, as it relates to the proposal and the grounds of refusal;
- (iii) the Interim Development Quality Manager be requested to submit copies of the Decision Notices for Planning Applications 16/00001/FLL and 17/00262/FLL;
- (iv) comment from the Interim Development Quality Manager on whether the Condition 10 of Planning Application 17/00262/FLL relating to structural landscaping has been complied with and to what extent;
- (v) following the receipt of all requested further information and any comment from the applicant and any interested parties, the application be brought back to the Local Review Body.

(ii) TCP/11/16(558) – Planning Application – 18/00835/IPL – Erection of a dwellinghouse (in principle) on land 80 metres north west of Loanfoot Cottage, East Trinity Gask – Mr J Roberts

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 80 metres north west of Loanfoot Cottage, East Trinity Gask.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 80 metres north west of Loanfoot Cottage, East Trinity Gask, be refused for the following reasons:
 - 1. By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but falls to be addressed as an extension to an existing group and/or infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure, and c)

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comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the Building Groups and Infill Sites categories of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill) takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area. The proposal is also contrary to Policy RD3 and the Housing in the Countryside Guide 2012 as it does not meet any of the other specified categories of the guidance.

2. As the proposal would adversely affect the historic setting of adjacent listed buildings, notably the prominence of the rural church and churchyard in the open landscape, the proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate development new developments.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Note: Councillor Brawn dissented from the majority decision. He agreed the review should be refused in terms of ground of refusal No 1 above, however, given the topography and the distance, he did not consider this proposal adversely affected the historic setting of the adjacent listed buildings.

(iii) TCP/11/16(559) – Planning Application – 18/00836/IPL – Erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask – Mr J Roberts

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask, be refused for the following reasons:
 - 1. By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but falls to be addressed as an extension to an existing group and/or infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure, and c) comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the Building Groups and Infill Sites categories of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill) takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area. The proposal is also contrary to Policy RD3 and the Housing in the Countryside Guide 2012 as it does not meet any of the other specified categories of the guidance.
 - 2. As the proposal would adversely affect the historic setting of adjacent listed buildings, notably the prominence of the rural church and churchyard in the open landscape, the proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate development new developments.

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Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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LICENSING COMMITTEE  
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## **LICENSING COMMITTEE**

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 15 November 2018 at 9.30am.

Present: Councillors C Ahern (Convener), K Baird, A Coates (up to and including Art. 667), R Brock, D Illingworth, A Jarvis, A Parrott and M Williamson.

In Attendance: PC L Gregge and Sgt R MacDonald (both Police Scotland); M McLaren, M Sullivan, S Michie and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors B Brawn, I James, J Rebbeck, F Sarwar and R Watters.

Councillor C Ahern (Convener), Presiding.

### **663. WELCOME AND APOLOGIES**

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

### **664. DECLARATIONS OF INTEREST**

Councillors A Coates declared a non-financial interest in Art 668.

### **665. MINUTES**

The Minute of Meeting of the Licensing Committee of 4 October 2018 was submitted and approved as a correct record.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS

### **666. CONTINUED SUSPENSION OF SKIN PIERCING AND TATTOOING LICENCE NO. SP63**

There was submitted a report by the Head of Legal and Governance Services (18/377) together with a letter dated 17 October 2018 from Police Scotland regarding Continued Suspension of Skin Piercing and Tattooing Licence No. SP63.

The licence holder was not in attendance. The representative of Police Scotland addressed the Committee and answered Members' questions.

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**Resolved:**

Suspension of Skin Piercing and Tattooing Licence SP63 be continued for the duration of the licence (to 11 April 2019) on the grounds that the licence holder is no longer a fit and proper person to be the holder of the licence.

**667. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1665**

There was submitted a report by the Head of Legal and Governance Services (18/378) together with a letter dated 26 October 2018 from Police Scotland regarding Continued Suspension of Taxi/Private Hire Car Driver's Licence No. TD1665.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

Suspension of Taxi/Private Hire Car Driver's Licence TD1665 be continued for the duration of the licence, and following the outcome of any court case the licence holder could then apply to the Licensing Committee for consideration of recall of the Suspension of Taxi/Private Hire Car Driver's Licence TD1665.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM COUNCILLOR A COATES LEFT THE MEETING AT THIS POINT.

**668. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1520**

There was submitted a report by the Head of Legal and Governance Services (18/379) together with a letter of representation dated 22 October 2018 from Police Scotland regarding Suspension of Taxi/Private Hire Car Driver's Licence No. TD1520.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

Taxi/Private Hire Car Driver's Licence No. TD1520 be not suspended.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 21 November 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, A Jarvis, L Simpson, W Robertson (substituting for W Wilson) and R Watters.

In Attendance: A Condliffe, D Niven, J Scott, D Salman, L Reid, C Stewart and R Stewart (all Housing and Environment); G Fogg, D Williams and L Aitchison (all Corporate and Democratic Services).

Apologies: Councillors I James and W Wilson.

Councillor B Brawn, Vice-Convener, Presiding.

669. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

670. DECLARATIONS OF INTEREST

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

671. MINUTES

The signing of the minute of meeting of the Planning and Development Management Committee of 26 September 2018 (Arts. 601-605) was deferred to the next meeting.

672. DEPUTATIONS

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

Planning Application No.	Art. No.
18/01144/FLL	673(1)(ii)
18/01492/FLL	673(1)(iii)

673. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 18/01091/FLL – BLAIRGOWRIE – Erection of 3 dwellinghouses, land west of Darkfaulds Cottage, Blairgowrie – Report 18/380 – Kepranich Developments**

Resolved:

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

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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. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
3. 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 retained and 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.
4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
5. A minimum of 1 swift brick or swift nest box shall be incorporated into each dwellinghouse. Prior to commencement of the development hereby approved details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.
Reason - In the interests of enhancing biodiversity.
6. A minimum of 1 bat brick or bat nest box shall be incorporated into each dwellinghouse. Prior to

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commencement of the development hereby approved details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity. B

Justification

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

Procedural Notes

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant. D

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.

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5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
7. Trees and scrub are likely to contain nesting birds between 1 March and 31 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.
8. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.

(ii) 18/01144/FLL – MEIGLE – Erection of 29 dwellinghouses and 4 flats, formation of SUDS, landscaping, roads infrastructure and associated works (allocated site H68), land north west of Park House, Ardler Road, Meigle – Report 18/381 – Hadden Homes Ltd

Mr D Heather-Hayes, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, 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.

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2. The waste storage area hereby approved shall be used solely for the purposes ancillary to the business on the site of Bridge House (granted under application 95/01473/FUL), and shall not be used by any member of the public or other business, or sold or let separately from the Bridge House, all to the satisfaction of the Council as Planning Authority.
Reason - In order to safeguard the residential amenity of the area.
3. The hours of operation of the waste storage area shall be restricted to between 0830 hours and 1700 hours Monday to Friday only, with no operations permitted on Saturdays and Sundays.
Reason - In order to safeguard the residential amenity of the area.
4. There shall be no burning of materials on the site at any time.
Reason - In order to safeguard the residential amenity of the area.

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. The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
2. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
3. The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner (s).

- (iii) **18/01492/FLL – Keltybridge – Change of use and alterations to garden ground to form waste recycling business (class 6) comprising the siting of a skip, erections of a wall, fence and replacement gates, formation of raised hardstanding, steps and associated works (in retrospect), Bridge House, Main Street, Keltybridge, Kelty, KY4 0JH – Report 18/382 – Crombie Plumbing & Heating Ltd**

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Mr I Cunningham, objector, followed by Mr N Gray, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Robertson and M Barnacle)

Refuse on the grounds that:

- (i) to approve could set a precedent for comparable use of accesses such as this access.**
- (ii) the Council does not have the ability to control the scale of the operation.**
- (iii) the proposal constitutes a contravention of policy of Local Development Plan Policies PM1A and TA1B(a).**

Amendment (Councillors T Gray and E Drysdale)

Grant, subject to the terms, conditions and informatives set out in Report 18/382.

In terms of Standing Order 58 a roll call vote was taken.

9 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, B Brawn, H Coates, A Jarvis, L Simpson, R Watters and W Robertson.

3 members voted for the Amendment as follows:

Councillors E Drysdale, T Gray and R McCall.

Resolved:

In accordance with the Motion.

COUNCILLOR BAND LEFT THE MEETING AT THIS POINT

(2) PROPOSAL OF APPLICATION NOTICE (PAN)

- (i) 18/00011/PAN – PERTH – Residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services, former Hillside Hospital, Dundee Road, Perth – Report 18/383 – Westwood Limited**

A Condliffe informed members that, with regards to paragraphs 42 and 43 of Report 18/383, there would be a view to add air quality as a key issue, which would be assessed through an air quality assessment being a required additional statement.

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Councillor Drysdale requested consideration of access to and exit from Dundee Road, the safety of the junction accessing to and exiting from Dundee Road. Councillor Drysdale also requested a full traffic assessment, incorporating full consideration beyond the immediate site, and also consideration to be given to the Cross Tay Link Road in respect of construction timing and phasing.

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