

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 14 December 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, R Brock, A Forbes (substituting for D Illingworth), T Gray, I James, G Laing (substituting for T McEwan), C Reid, L Simpson, R Watters, and W Wilson.

In Attendance: K Smith, J Scott, G Bissett, L MacLean (all Communities); G Fogg, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors D Illingworth, T McEwan and M Williamson.

Councillor R McCall, Convener, Presiding.

VALEDICTORY

Prior to the commencement of business, the Convener paid tribute to Jamie Scott, Team Leader, Development Management and Building Standards, who was attending his final meeting of the Committee before leaving the Council. On behalf of the Committee, the Convener thanked Jamie for his years of service at the Council, and wished him the very best for the future.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee of 17 November 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

There were no deputations to be considered.

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 20/00868/FLM - Siting of 122 holiday accommodation units, formation of vehicular access, erection of hub building, landscaping, car parking and associated works, land 1km**

east of Muirhead Cottage, Muirton, Auchterarder – Report No. 21/238

It was noted that this application had been withdrawn by the applicant.

- (ii) **21/00756/FLM - Formation of a 49.9MW energy storage facility comprising 50 battery storage container units, control building, ancillary equipment, parking, access track, boundary treatments, landscaping and associated works, Shindour, Feddal Hill Wood, near Braco – Report No. 21/239 – Gigabox Developments Limited**

Resolved:

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

Conditions

General

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.

Roads and Access

2. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority, a Construction Traffic Management Scheme (CTMS) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;

- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) monitoring, reporting and implementation arrangements;
- (n) arrangements for dealing with non-compliance; and
- (o) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme to the satisfaction of the Council as Planning Authority.

Reason: To minimise interference with the safety and free flow of the traffic on the access road off the B8033 road.

3. Prior to the commencement of development, a comprehensive Construction Traffic Management Plan shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

4. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

5. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

Health and Safety

6. Not less than two months from the date of this planning permission, a detailed scheme for the management of vehicles crossing of the National Grid pipeline at Easting 282178; Northing 709479 and any necessary reinforcement works of that road and or crossing shall be submitted to, and approved in writing by, the Planning Authority in consultation with National Grid. The scheme shall include the frequency of vehicle movements during both the construction and operational phases of development, specify vehicle weights and set out the technical specification of the reinforcement works to the road or crossing point and their delivery. Thereafter, the scheme shall be implemented in complete accordance with the approved scheme and all reinforcement works complete prior to the commencement of development hereby approved.

Reason: In order to ensure that suitable vehicle crossing arrangements are provided.

Amenity

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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

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

Landscape

9. Prior to the commencement of the development hereby approved, a detailed boundary landscaping and planting scheme on all four sides of the site shall be submitted for the 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 by the site operator.

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

10. 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.

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

Ecology

11. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP), Environmental Management Plan (EMP). Proposed measures for bog restoration methods, monitoring and ongoing long-term aftercare and maintenance shall be included. Measures to ensure the public road network is kept free from mud or debris shall also be required. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of biodiversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

12. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain

in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:

- (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (c) Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
- (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, (including re-instatement and de-commissioning of the construction compounds) hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason: To avoid habitat damage and safeguard natural heritage interests.

13. 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.

14. A minimum of two months prior to the commencement of development, a Detailed Peat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA and the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

Reason: In the interests of protection of existing peatland.

15. 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. Particular attention is drawn to in the submitted Preliminary Ecological Appraisal Report and Reptile Survey 2021.

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

16. Prior to the commencement of the development hereby approved, final details of the proposed boundary fencing for the site shall be submitted for the written agreement of the Council as Planning Authority. For the avoidance of doubt the fencing will be required to be deer proofed. 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 protecting environmental quality and of biodiversity.

17. Prior to the commencement of development, the developer shall provide full written details of a scheme for mitigating any potential effects on reptiles on the site during the construction and operation of the energy storage project. This shall include:

- The deployment and searching of artificial reptile refugia to allow the capture and relocation to a suitable and safe area of reptiles within the site. Such measures to be undertaken during the reptile active period of May to October (inclusive).
- After an agreed period with no reptile captures, the site shall be cleared outward to an agreed methodology from the site centre to allow any remaining/undetected reptiles to disperse into adjacent habitats.
- The site shall then be maintained with no vegetation cover until construction works commence.
- Habitat clearance works shall be undertaken during the reptile's active phase i.e., April – October (inclusive).

- Details of proposals for the creation of reptile hibernacula within the site.

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

Drainage

18. 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 appropriate and effective drainage for the site.

Finishes

19. 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.

Project Lifespan and Site Aftercare

20. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event, the development shall be decommissioned, and the relevant parts of the site brought into an agreed condition within such timescale as agreed in writing by the Council as Planning Authority.

Reason: To ensure the facility is removed from the site at the end of its operational life, to ensure no adverse impact on the visual amenity of the area and 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.

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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has four months to consider the information. You should therefore submit the required information more than four months before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
6. An application for Building Warrant may be required.
7. 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.

8. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
9. 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.

(iii) 21/01518/IPM - S42 application to delete Condition 7 (Public Transport Infrastructure) of permission 19/02033/IPM, land 150 metres south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Report No. 21/240 – I and H Brown Ltd and Rosasco Properties

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements' of Perth and Kinross Local Development Plan 2 (2019), as the proposed modification would result in a development that fails to provide any facilities to enable the development to be connected to Perth's bus network which will limit accessibility to sustainable public transport and thereby increase reliance on car travel.
2. The proposal is contrary to the site-specific requirements set out in Perth and Kinross Local Development Plan 2 (2019) under opportunity site 'E38', as the proposed modification would remove any requirement to provide sustainable transport provision within the site.
3. The proposal is contrary to Policy 2 'Shaping Better Quality Places' of TAYPlan (2016) as the proposed modification would remove any requirement to provide improved sustainable transport provision which would increase the need to travel by car and reduce accessibility to the site by means of public transport.
4. The proposal is contrary to 'A Connected Place – Promoting Sustainable Transport and Active Travel' of Scottish Planning Policy (2014), as the proposed

modification would result in a development that would increase reliance on the car and fail to achieve an acceptable standard of access to local facilities via public transport networks.

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) **21/01519/IPM - S42 application to delete Condition 2 (Developer Contributions) of permission 19/02033/IPM, land 150 metres south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Report No. 21/241 – I and H Brown Ltd and Rosasco Properties**

Resolved:

Refuse, for the following reasons:

1. The proposal is contrary to Policy 5 'Infrastructure Contributions' of Perth and Kinross Local Development Plan 2 (2019) and the associated adopted supplementary Developer Contributions Guidance, as the proposed modification would remove any requirement to pay developer contributions in respect to Transport Infrastructure.
2. The proposal is contrary to Policy 6 'Developer Contributions' of TAYPlan 2016 which seeks to ensure that developer contributions are sought for appropriate infrastructure, services and amenity requirements resulting from the 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.

6. Proposal of Application Notices (PAN)

- (i) **21/00014/PAN - Residential development, access, landscaping, SUDs, and associated works at land south west of Kintillo Cemetery, Bridge of Earn (Part of LDP2 site H14) – Report 21/242**

Councillor Watters requested that affordable housing and environmental standard of housing be taken into consideration.

Councillor Simpson requested facilities for active travel be taken into consideration.

Councillor Wilson requested that scale, design and layout be taken in consideration. Councillor Wilson further requested that relationship with nearby land uses, with specific reference to the nearby Place of Worship and Cemetery, flooding and drainage, opportunities to enhance public transport and noise from the nearby Motorway, all be taken into consideration.

Councillor James requested that consultation be undertaken with NHS Tayside during the potential application stage.

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

DRAFT