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2019

Book 4

MINUTES OF MEETINGS FROM
28 May 2019 – 4 September 2019

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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 28 May 2019 at 10.30am.

Present: Councillors L Simpson, H Anderson and T Gray.

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

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

Councillor L Simpson, Convener, Presiding.

291. DECLARATIONS OF INTEREST

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

292. MINUTES

The minute of meeting of the Local Review Body of 30 April 2019 (Arts. 233-236) was submitted and noted.

293. APPLICATION FOR REVIEW

- (i) **TCP/11/16(593)**
Planning Application – 18/01735/FLL – Erection of ancillary accommodation, Bracklynn, Cuilc Brae, Pitlochry – Mr N Kinnell

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of ancillary accommodation, Bracklynn, Cuilc Brae, Pitlochry.

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 the erection of ancillary accommodation, Bracklynn, Cuilc Brae, Pitlochry, be refused for the following reasons:

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1. The development is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, in that the proposed ancillary accommodation is considered to be entirely divorced from the main dwellinghouse with no shared facilities and is therefore tantamount to a new dwelling. The proposal does not have regard to the density and character of the area, having a detrimental effect on the amenity of the area by virtue of the sites restricted size. The site is not large enough to accommodate the development satisfactorily in site planning terms.
2. As the proposal will result in the loss of privacy to an adjacent residential property (Calluna) and appear oppressive from that property, all to the detriment of the neighbouring properties residential amenity, the proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.
3. The proposal, by virtue of its unsympathetic design, bulk, scale and visual massing, including excessive proportions and composition results in over-development of the site, resulting in an adverse impact on the visual amenity of the surrounding area.

Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

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(594)
Planning Application – 19/00139/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north east of Flowerdale Farm, Kinrossie – Mr R Filshie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 40 metres north east of Flowerdale Farm, Kinrossie.

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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:

- (ii) 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 the erection of a dwellinghouse (in principle) on land 40 metres north east of Flowerdale Farm, Kinrossie, be refused for the following reason:
 - 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 it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.

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 Gray dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for the erection of a dwellinghouse should be granted. He considered that the proposal appropriate for the site was not contrary to the Council's Housing in the Countryside Guide 2012 and, with the imposition of relevant conditions, would be acceptable in this location.

- (iii) **TCP/11/16(595)
Planning Application – 18/01749/FLL – Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth – Ms K Shepherd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, 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) an unaccompanied site visit be carried out;
- (iii) following the undertaking of the site visit, the application be brought back to the Local Review Body.

(iv) TCP/11/16(596)

Planning Application – 18/01656/FLL – Erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth – Aviva

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth.

The Planning Adviser 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 invited to submit information on noise impact in response to the comments of the Council's Environmental Health Officer;
- (iii) the applicant be invited to submit information on shadow flicker impact in response to the comments of the Council's Environmental Health Officer;
- (iv) following the receipt of any or all further information, the application be brought back to the Local Review Body.

(v) TCP/11/16(597)

Planning Application – 18/02160/IPL – Erection of a dwellinghouse (in principle), land 70 metres south west of Bonnington View, Bonnington Road, Rattray – Ms L Stewart

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 70 metres south west of Bonnington View, Bonnington Road, Rattray.

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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 the erection of a dwellinghouse (in principle), land 70 metres south west of Bonnington View, Bonnington Road, Rattray, be refused for the following reason:
 - 1. The proposal is contrary to Policy PM4, 'Settlement Boundaries', of the Perth and Kinross Local Development Plan 2014, as the proposed development site is located out with the defined settlement boundary of Blairgowrie and Rattray and the development of this site would link and existing building group with the settlement boundary this forming a large extension to the defined settlement.

Justification

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

294. DEFERRED APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(583)
Planning Application – 18/01662/FLL – Change of use of office to dwellinghouse, erection of 2 units (class 4), erection of 7 dwellinghouses, 8 flats and associated works, land 60 metres north of Burnside Joiners, Home Street, Aberfeldy – Lomond Group**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use of office to dwellinghouse, erection of 2 units (class 4), erection of 7 dwellinghouses, 8 flats and associated works, land 60 metres north of Burnside Joiners, Home Street, Aberfeldy.

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.

It was noted that, at its meeting of 5 March 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Appointed Officer submitting a response to the flooding report submitted as part of the

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Notice of Review; and (ii) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 23 May 2019, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with requested further information having been received, and having carried out a site visit on 23 May 2019, 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 change of use of office to dwellinghouse, erection of 2 units (class 4), erection of 7 dwellinghouses, 8 flats and associated works, land 60 metres north of Burnside Joiners, Home Street, Aberfeldy, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives, including those regarding affordable housing contribution, the undertaking of a land contamination study, noise and industrial impact assessment, and tree protection.

Justification

It was recognised that the proposal was not in accordance with the Local Development Plan. The Local Review Body deemed that there was sufficient justification for approval of the proposal as a development plan departure as it would secure a desired improvement to the site and because it appeared likely to be to in accordance with the emerging Local Development Plan 2.

Note: Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the erection of dwellinghouse be refused. In his opinion, the proposal did not comply with the Local Development Plan, and there was not sufficient justification to depart from these policies and guidance.

- (ii) **TCP/11/16(588)
Planning Application – 18/01796/FLL - Erection of cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a polytunnel and formation of vehicular access, parking and associated works, land 100 metres south of 3 Gowrie Farm, Stanley – Mr PJ Neill**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a

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polytunnel and formation of vehicular access, parking and associated works on land 100 metres south of 3 Gowrie Farm, Stanley.

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.

It was noted that, at its meeting of 5 March 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) comment from the Interim Development Quality Manager on the certified accounts lodged as part of the Review; (ii) comment from the Interim Development Quality Manager on the potential running of operation, as it may affect neighbouring residential properties, in consultation with Environmental Health, based on the additional information submitted with the Review; (iii) comment from the Interim Development Quality Manager on the assessment of application as a new business, including as a site specific resource, under Policy ED3 of the Perth and Kinross Local Development Plan 2014, based on the additional information submitted with the Review; (iv) the Interim Development Quality Manager considering and providing comment on the letter from Stanley and District Community Council dated 16 January 2019, submitted with the Review, and to clarify whether the Community Council submitted a representation to the planning application and, if so, provide a copy of any representation; (v) any other comment from the Interim Development Quality Manager on the additional information submitted with the Review; and (vi) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 23 May 2019, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with requested further information having been received, and having carried out a site visit on 23 May 2019, 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 the erection of a cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a polytunnel and formation of vehicular access, parking and associated works on land 100 metres south of 3 Gowrie Farm, Stanley, be granted subject to:
 - 1. The prior submission of a transport infrastructure contribution; and
 - 2. The imposition of relevant terms, conditions and informatives, including conditions regarding access, parking and turning; an Archaeological evaluation; water supply;

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drainage; additional landscaping and the further information identified as required by the Environmental Health Officer.

Justification

It was recognised that the proposal was not in accordance with the Local Development Plan. The Local Review Body deemed that there was sufficient justification for approval of the proposal as a development plan departure in order to assist in the prospective establishment of this rural enterprise.

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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 5 June 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern (substituting for Councillor I James), H Anderson, B Band, M Barnacle, H Coates, E Drysdale, A Forbes (substituting for Councillor L Simpson), T Gray, A Jarvis, M Williamson (substituting for Councillor R Watters) and W Wilson.

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

Apologies for Absence: Councillors I James, L Simpson and R Watters.

Councillor R McCall, Convener, Presiding.

### **295. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **296. DECLARATIONS OF INTEREST**

Councillor Forbes declared both a financial and non-financial interest in Art. 299(3)(i).

### **297. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 8 May 2019 (Arts. 237-241) was submitted, approved as a correct record and authorised for signature.

### **298. DEPUTATIONS**

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

**Planning Application No.**  
19/00143/AML

**Art. No.**  
299(2)(i)

**299. APPLICATIONS FOR DETERMINATION**

**(1) Major Application**

- (i) 17/00950/IPM - BLACKFORD - Mixed use development comprising holiday accommodation, spa, restaurants, retail, public house, events spaces, storage, landscaping and associated infrastructure, land north west of Easterton Farm, Blackford – Report 19/165 – The Gleneagles Hotel**

J Scott, Team Leader, updated members as follows:

(i) paragraph 83 of Report 19/165 advises that appropriate assessment is not required., That assessment is required and has been undertaken and published; (ii) for recommended condition 31, the reference to condition 3(xvi) should read condition 3(iii); and (iii) informative 4 is not required as there is the direction.

**Resolved:**

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

**Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years.

**Conditions**

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006

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2. The masterplan and numbers as submitted is purely indicative and is not approved.  
Reason: The application is for planning permission in principle only at this stage and details of a layout would be considered in subsequent applications for the Approval of Matters Specified in Conditions.
3. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Approval of Matters Specified Condition' (AMSC)) have been submitted to and approved in writing by the Planning Authority. The specified matters include:
  - (i) an updated masterplan and a phasing plan;
  - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point; details of all cut and fill operations;
  - (iii) the siting, design, height and external materials of all buildings, structures, roads and camping areas;
  - (iv) the details of all accesses, roads, car parking, footpaths, cycleways, path connections throughout the development;
  - (v) the details of public road widening/improvement and footpath improvement/connection with Gleneagles Hotel and Auchterarder;
  - (vi) details of any screen walls/fencing to be provided
  - (vii) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (viii) details of all landscaping, structure planting and screening associated with the development of each site;
  - (ix) the lighting of all roads and paths;
  - (x) the layout of any play areas and the equipment to be installed;
  - (xi) details of watercourse alignments and any de-culverting
  - (xii) full details of the proposed means of disposal of foul and surface water from the development;
  - (xiii) details of car charging points to be provided within the car park;
  - (xiv) updated ecological/biodiversity/protected species/breeding bird survey;
  - (xv) submission of Construction and Environment Management Plan (CEMP);
  - (xvi) archaeological assessment;

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(xvii) noise assessment; and

(xviii) air quality assessment.

Reason: To ensure that the matters referred to within this Planning Permission is Principle are given full consideration and to accord with the requirements of Section 59 Town and Country Planning (Scotland) Act 1997 (as amended).

4. In pursuance of Condition 3(xiv), a detailed protected species survey covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

5. In pursuance of Condition 3(xiv), a detailed breeding bird survey covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

6. In pursuance of Condition 3 (xiv), an updated ecology report covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

7. In pursuance of Condition 3 (xiv), a biodiversity action plan covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

8. Prior to the operation of the facility, all the relevant measures stated within the applicant's Recreation and Access Management Plan (RAMP) shall be fully implemented. For the avoidance of doubt, the implementation of these measures needs to take account of the presence of wintering geese and be done between

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May and September or 1 hour after dawn to 1 hour before dusk during the period October to April.

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. Prior to the operation of the facility, and as noted in the RAMP, a programme of mitigation shall be submitted to and for the approval of the Planning Authority in consultation with SNH.

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).

10. No site clearance or removal of vegetation, including trees and shrubs will take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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. As part of any application for the Approval of Matters Specified by Condition (AMSC), measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be incorporated within proposals and, once approved, implemented for the duration of the construction works of the development. 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.

12. In pursuance of Condition 3 (viii), where it is intended to create semi-natural habitats, a detailed native species planting proposal shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

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13. In pursuance of Condition 3 (iii), as part of any application for the Approval of Matters Specified by Condition (AMSC), details of the location and specification of swift brick(s) and bat nest box(s) shall be incorporated in to the submitted application for the approval in writing by the Council as Planning Authority. Thereafter, the swift brick(s) and bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation/operation of the relevant building.  
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).
14. In pursuance of Condition 3 (iii and viii), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to any work starting, on the relevant parts of the site, a tree survey shall be submitted to identify all trees on site, all trees to be retained, including ancient woodland, as identified in the submitted surveys. Thereafter, all trees to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.  
Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.
15. In pursuance of Condition 3 (xv), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.  
Reason: In the interest of protecting environmental quality and of bio-diversity.
16. In pursuance of Condition 3 (xvi), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning

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

Reason: In the interest of protecting archaeological interest within the site.

17. In pursuance of Condition 3(xvii), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.  
Reason: In the interest of residential amenity.
18. In pursuance of Condition 3(xviii), should any wood burning stoves /flues and fire pits be proposed, an air quality assessment shall be required to be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall assess the impact of these facilities on the air quality of the environs.  
Reason: In the interest of residential amenity and air quality.
19. In pursuance of Condition 3(xvii and xviii) a Construction Management Plan (CMP), detailing pollution prevention, control and mitigation measures for noise and dust shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).  
Reason: In the interest of residential amenity.
20. In pursuance of Condition 3(iv), a plan of public access across the site (existing, during construction & upon completion) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall illustrate:
  - a) all existing paths, tracks & any (including proposed) rights of way.
  - b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - c) all paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.

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- d) any diversions of paths - temporary or permanent-proposed for the purposes of the development
- e) the detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

21. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the approved phasing plan.

Reason: To ensure the implementation and completion of the proposed development

22. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;



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

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

Reason: To mitigate the adverse impact of development traffic.

23. In pursuance of condition 3 (xi) full details and method statements of any proposed de-culverting of watercourses shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).  
Reason: To prevent flood risk.
24. As required by condition 3 (xii), storm water drainage from all hard surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.  
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.
25. In pursuance of condition 3 (xii), full drainage calculations and the final layout and depth of the proposed lochans and associated infrastructure shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The agreed detail shall thereafter be implemented prior to the completion of development.  
Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.
26. As required by condition 3 (xii), the developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.  
Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.
27. In pursuance of Condition 3 (ii) and (iii), any application for the Approval of Matters Specified by Condition (AMSC) shall detail that the Finished Floor Level of all properties shall be a minimum of 600mm + 20% Climate Change above the 200 year flood level.  
Reason: To reduce the risk of flooding.

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28. In pursuance of condition 3 (xii) details of the soffit level of any bridges or culverts shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The agreed detail shall thereafter be implemented prior to the completion of development.  
Reason: To reduce the risk of flooding.
29. In pursuance of condition 3 (xii), details of the foul drainage system shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). For the avoidance of doubt foul drainage from the site shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant.  
Reason: In the interests of public health and to prevent pollution.
30. In pursuance of condition 3 (viii), the hard and soft landscaping scheme, including woodland shelter planting, submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:
- (i) existing and proposed finished ground levels relative to a fixed datum point;
  - (ii) existing landscape features and vegetation including ancient woodland to be retained;
  - (iii) existing and proposed services including cables, pipelines and substations;
  - (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
  - (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
  - (vii) an indication of existing trees, shrubs and hedges to be removed;
  - (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.
- All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.
- Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

31. In pursuance of Condition 3 (iii), a site specific plan, detailing bin storage areas, collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interests of the sustainable disposal of waste.

32. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

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

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**Informatives**

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

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4. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
5. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
6. 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, Housing and Environment, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
7. Please consult the Street Naming and Numbering Officer, Housing and Environment, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
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.
11. The applicant should be advised that a caravan and camping licence is required in terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to The Environment Service (Environmental Health) if planning consent is approved.
12. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
13. Please contact Scottish Water as further investigations may be required to be carried out as there is a 12" Trunk Water Main running through this site.
14. No works are to be undertaken in the vicinity of the gas pipelines and that no heavy plant, machinery or vehicles

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cross the route of the pipeline until detailed consultation has taken place with the operator (Ineos).

- (ii) **18/02213/IPM - CRIEFF - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 (timescales for submission of Approval of Matters Specified by Conditions application) and Condition 3 (phasing of development) of planning permission 15/01237/IPM (mixed use development (in principle)), land at Broich Road, Crieff – Report 19/166 – Robert Simpson and Son**

D Niven, Team Leader, updated members as follows: (i) paragraph 77 of Report 19/166 incorrectly makes reference to the Perth and Kinross Local Development Plan 2014, which in fact preceded the approval of Planning Application 15/01237/IPM; and (ii) recommended condition 4 should refer to condition 3, not 2.

**Resolved:**

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

**Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (18/02213/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

**Conditions**

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

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2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) an updated phasing plan for the whole site;
  - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
  - (iii) the siting, design, height and external materials of all buildings or structures;
  - (iv) the details of all roads, footpaths, structures and cycleways throughout the development;
  - (v) details of any screen walls/fencing including retaining walls to be provided;
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vii) details of all landscaping, structure planting and screening associated with the development;
  - (viii) full details of the proposed means of disposal of foul and surface water from the development;
  - (ix) protection of scheduled monument;
  - (x) a Construction and Environment Management Plan (CEMP);
  - (xi) a Site Waste Management Plan (SWMP);
  - (xii) lighting details;
  - (xiii) bin storage, collection location and recycling facilities provision;
  - (xiv) air quality mitigation;
  - (xv) noise impact assessment;
  - (xvi) updated ecology survey;
  - (xvii) tree survey;
  - (xviii) contaminated land assessment;
  - (xix) a Green Travel Plan (GTP); and,
  - (xx) archaeological assessment.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

3. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below.

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- (i) Phase 1 and 2 of the employment land development as shown on the agreed phasing plan required by condition 2(i) must be fully serviced before the occupation of the 100th open market residential dwelling;
- (ii) Phase 3 and 4 of the employment land development must be fully serviced before the occupation of the 200th open market residential dwelling; or following take up of at least 60% of Phase 1 and 2 of the employment land development whichever is the later;
- (iii) the structure planting required by condition 2(vii) of this consent must be planted along the site boundary with the Arnbro caravan site before the start of construction of residential dwellings.

Reason: To ensure the implementation of the employment land component of the proposal.

4. In pursuance of Condition 3 (iii), (iv) and (v), a development brief shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The briefs shall specify:
- (i) the height and appearance of all new structures;
  - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
  - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
  - (iv) the lighting of all streets and footpaths;
  - (v) the layout of play areas and the equipment to be installed;
  - (vi) maintenance of all open space and treed areas not included in private house plots;
  - (vii) details of car charging points to be provided within the development;

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

Reason: In order to give further consideration to those details which have still to be submitted.

5. No part of the development shall commence until an agreed financial contribution has been paid towards a road improvement scheme (including public transport) that mitigates the impact of the proposed development on the local and trunk road network be paid. The details of this provision shall be agreed in writing with the Planning Authority. If this not achievable a Section 75 legal agreement will be required between the applicant and the Council.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

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6. The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance approved in September 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.  
Reason: To comply with the Council's approved policy on affordable housing.
7. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in September 2016 all to the satisfaction of the Council as Planning Authority.  
Reason: To comply with the Council's approved Education Contributions policy.
8. In pursuance of Condition 2 (ix), a development brief to protect Scheduled Monument 9135 and its settings shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).  
Reason: In the interest of protecting the scheduled monument and archaeological interest within the site.
9. In pursuance of Condition 2 (viii), full details of the finalised SUDS scheme including Drainage Impact Assessment for all individual phases of development shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).  
Reason: To ensure adequate protection of the water environment from surface water run-off.
10. In pursuance of Condition 2 (x), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.  
Reason: In the interest of protecting environmental quality and of bio-diversity.
11. In pursuance of Condition 2 (xiii), a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).  
Reason: To ensure there is adequate provision for waste disposal and recycling.
12. In pursuance of Condition 2 (xiv), a scheme of mitigation to improve air quality shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).  
Reason: In the interests of public health and to prevent pollution.



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13. In pursuance of Condition 2 (xv), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.  
Reason: In the interests of public health and to prevent noise pollution.

14. In pursuance of Condition 2 (vii), the hard and soft landscaping scheme submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:
- (i) existing and proposed finished ground levels relative to a fixed datum point;
  - (ii) existing landscape features and vegetation to be retained;
  - (iii) existing and proposed services including cables, pipelines and substations;
  - (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
  - (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
  - (vii) an indication of existing trees, shrubs and hedges to be removed;
  - (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

15. In pursuance of Condition 2 (xvi), the Ecology Survey undertaken in respect of In Principle application

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15/01237/IPM shall be updated and re-submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

16. In pursuance of Condition 2 (xviii), an intrusive contaminated land investigation shall be submitted as part of any application for Approval of Matters Specified by Condition (AMSC). The investigation should identify;
- I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

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

Reason: To ensure details are acceptable to the Planning Authority and to safeguard residential amenity.

17. In pursuance of Condition 2 (xix), the Green Travel Plan (GTP) shall have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided regarding the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local and trunk road network.

18. In pursuance of Condition 2 (xx), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

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Reason: In the interest of protecting archaeological interest within 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.

**Procedural Notes**

A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

**Informatives**

1. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
3. The definition of 'fully serviced business land' in Condition 3 means the delivery of road infrastructure (including service road and pavements with access/junctions into business land plots, street lighting, road signage and sustainable urban drainage scheme) with services provided to each business plots access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised 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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6. 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, Housing and Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
7. Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders and wheelchairs as appropriate. Specifications should be based on those in "Lowland Paths Guide: A Good Practice Guide to Planning , Design, Construction and Maintenance of Lowland paths in Scotland – A Guide to Good Practice" published by SNH and Paths for All Partnership.
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](http://www.sepa.org.uk)
10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
11. A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

**(2) Local Applications**

- (i) 19/00146/AML - BLAIRGOWRIE - Erection of 3 dwellinghouses and garages (matters specified by conditions 17/02057/IPL), land north of Morvich House, Golf Course Road, Blairgowrie – Report 19/167 – Fotheringham Property Developments Ltd**

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

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**Resolved:**

**Grant**, subject to the following direction, 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 proposed boundary treatments for the site (both internally and along the sites wider boundaries) 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 residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s) and the proposed.

3. Prior to the commencement of any development hereby approved, 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 residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

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

4. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site which includes additional tree planting, 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

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to the satisfaction of the Council as Planning Authority., and any planting failing to become established within five years must 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 implementation of the proposed planting scheme.

5. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason: In order to ensure that existing trees and hedges are protected.

6. All trees and hedges identified for retention and any peripheral trees or hedges 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'. 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 and hedges 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 ensure that existing trees and hedges are protected.

7. Prior to the commencement of the development hereby approved, details of the construction methodology for constructing the garage of Plot 3, which is within the root protection area of adjacent trees shall be submitted to the Council for the further approval in writing by the Council. The details shall be undertaken by a suitably qualified tree arboriculturist, and the subsequent approved details shall thereafter be implemented in full.

Reason: In order to ensure that the existing trees are adequately protected during the course of construction.

8. 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

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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.

9. The visibility splays of the access onto Woodlands Road, as shown in purple on plan 19/00146/12, shall be maintained and kept clear of any structures and planting.  
Reason – In order to ensure that an acceptable level of forward visibility is maintained and that road and pedestrian safety is delivered.

10. No removal of hedgerows, trees or shrubs 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 is cleared and provided written confirmation that no birds will be 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 Council as Planning Authority.

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

11. An updated survey to determine presence of red squirrel dreys must be undertaken if any tree / hedge felling is proposed after 1 February 2020. If the survey identifies the presence of dreys(s), Scottish Natural Heritage must be consulted in respect of any need and implications for any application for a licence.

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.

12. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.

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

**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.

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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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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. An application for Building Warrant will be required.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that deadwood is an important habitat and food source for many rare and threatened species. Leaving some of the felled trees in tact on the ground or cut into small piles, would enhance the biodiversity value of the site, and is advised.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to



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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.

9. In the event that there is a Section 75 legal obligation associated with this planning permission, which relates to education contributions. A copy is available to view on the Council's Public Access portal.

**(ii) 19/00377/FLL - PERTH - Change of use of hairdressers (class 1) to café (class 3), Louis T'ney Hair and Beauty, 8 West Mains Avenue, Perth, PH1 1QZ – Report 19/168 – West End Bistro**

**Resolved:**

**Grant**, subject to the following amended 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, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained to the satisfaction of the Council as planning authority.  
Reason: In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.
3. 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 to the satisfaction of the Council as planning authority.  
Reason: In order to safeguard the neighbouring residential amenity in the area.
4. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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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. 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.

HAVING PREVIOUSLY DECLARED BOTH A FINANCIAL AND NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, COUNCILLOR FORBES LEFT THE MEETING AT THIS POINT.

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

- (i) 19/00001/PAN - ERROL - Change of use from clay extraction pit to form extension to caravan park, formation of 9 hole pitch and putt course and erection of ancillary maintenance shed, and formation of parking areas, footpaths, boundary treatments, landscaping and associated works, land east of Errol Brickworks, Errol – Report 19/169 – Errol Ground Ltd**

Councillor McCall requested that consideration be given to connecting the development to the local path network.

Members also noted the issues identified by the Interim Development Quality Manager.

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STRATEGIC POLICY AND RESOURCES COMMITTEE

Minute of meeting of the Strategic Policy and Resources Committee held in the Council Chamber, Council Building, 2 High Street, Perth on Wednesday 12 June 2019 at 9.30am.

Present: Councillors M Lyle, P Barrett, C Stewart, B Band, R Brock (substituting for A Bailey) S Donaldson, D Doogan, J Duff, A Forbes, G Laing, R McCall, Provost D Melloy and Councillors A Parrott, C Purves, C Shiers and R Watters (substituting for S McCole).

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive and Chief Operating Officer; C Irons, S Mackenzie, C Mackie, M Mitchell, L Potter, L Simpson, and S Walker (all Corporate and Democratic Services); S Devlin, G Boland and A Seggie (both Education and Children's Services); B Renton, L Brady, F Crofts, M Dow, K Fraser, P Marshall, J McCrone, E McLaughlin and G Stewart (all Housing and Environment) and J Smith, Perth and Kinross Health and Social Care Partnership.

Apologies: Councillors A Bailey and S McCole.

Councillor M Lyle, Convener, Presiding.

The Convener led discussion on Arts. 300-303 & 307 Vice-Convener P Barrett led discussion on Art. 304 and Vice-Convener C Stewart led discussion on Arts. 305-306.

300. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. Apologies and substitutions were noted as above.

301. DECLARATIONS OF INTEREST

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

302. MINUTES OF PREVIOUS MEETINGS

(i) Strategic Policy and Resources Committee

The minute of meeting of the Strategic Policy and Resources Committee of 17 April 2019 (Arts.181-194) was submitted, approved as a correct record and authorised for signature.

(ii) Executive Sub-Committee of the Strategic Policy and Resources Committee

The minute of meeting of the Executive Sub-Committee of 20 March 2019 was submitted and noted. (*Appendix I*)

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(iii) Property Sub-Committee of the Strategic Policy and Resources Committee

The minute of the Property Sub-Committee of 18 February 2019 was submitted and noted. **(Appendix II)**

(iv) Appeals Sub-Committee

The minute of meeting of the Appeals Sub-Committee of 18 March 2019 was submitted and noted. **(Appendix III)**

(v) Appeals Sub-Committee

The minute of meeting of the Appeals Sub-Committee of 2 May 2019 was submitted and noted. **(Appendix IV)**

(vi) Employees Joint Consultative Committee

The minute of meeting of the Employees Joint Consultative Committee of 28 February 2019 was submitted and noted. **(Appendix V)**

(vii) Perth and Kinross Integration Joint Board

The minute of meeting of the Integration Joint Board of 15 February 2019 was submitted and noted. **(Appendix VI)**

303. TOWN CENTRE FUND

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (19/170), outlining options to utilise the new ring-fenced Scottish Government Town Centre Fund for 2019-20.

Resolved:

- (i) The background to Report 19/170 in relation to the Scottish Government's Town Centre Fund be noted.
- (ii) The Town Centre Fund monies be allocated to the four projects in Coupar Angus; Kinross; Crieff and Pitlochry and listed in Report 19/170, be approved.
- (iii) That consideration be given to reviewing the other potential projects with a view to having a reserve project if funding was not all spent on the four approved projects, be noted.
- (iv) The Depute Chief Executive and Chief Operating Officer be requested to submit a report to a future meeting of this Committee on progress with the Town Centre Fund projects.

304. CHANGES TO DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE

There was submitted a report by the Executive Director (Housing and Environment) (19/171). The Developer Contributions and Affordable Housing

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Supplementary Guidance required to be updated in line with Local Development Plan 2. The report provides an overview of the main modifications proposed to the Guidance which had been considered by the Executive Officer Team and the Planning Member Officer Working Group and recommended that these changes be approved prior to public consultation.

Resolved:

- (i) The contents of Report 19/171, be noted.
- (ii) The recommended modifications to the Developer Contributions and Affordable Housing Supplementary Guidance be approved.
- (iii) The guidance be made available for public consultation in September 2019.
- (iv) A report be submitted to a future meeting of this Committee on the outcomes of the public consultation and any changes to the Supplementary Guidance.
- (v) A development session be arranged for all Councillors on the Guidance.

305. AUTHORITY TO WRITE OFF DEBTS AND OBSOLETE STOCK

There was submitted a report by the Head of Finance (19/172) seeking (1) approval to write off identified debts in respect of Sales ledger; Council Tax (including Water and Waste Charges); Non-Domestic Rates; Irrecoverable Rents; Housing Benefit Overpayments and Car Park trading Account Income; and (2) approval to write off obsolete stock and process other miscellaneous small adjustments.

Resolved:

- (i) That all amounts, as detailed in Section 2 and Appendices 1 – 5 to Report 19/172 were written off or on for accounting purposes, be approved.
- (ii) That files would not be closed and every effort would be made to collect the outstanding debt, be noted.

306. PROCUREMENT UPDATE 2018/19

There was submitted a report by the Head of Finance (19/173) on (1) progress made by this Council during 2018/19 in concluding the work set out in the Procurement Strategy approved by Council in December 2015; and (2) providing evidence of achievement of the objectives set out in the strategy and demonstrating value through the purchasing decisions taken for the period.

Resolved:

- (i) The Procurement Annual Report attached as Appendix 1 to Report 19/173 be approved for publication.
- (ii) The revised Procurement Strategy for 2019/20 (including the relevant Contract Delivery Plan), attached as Appendix 2 to Report 19/173, be approved, pending the conclusion of the review of procurement and commissioning work across the Tayside area.
- (iii) The record of tenders accepted under the procurement regime, be noted.
- (iv) Grant funding disbursed under the Following the Public Pound Code, be noted.

307. TRANSFORMATION PROGRAMME 2015-2020

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (19/174) (revised) providing (1) an update on phase four of the Transformation Programme approved by Council on 1 July 2015 and (2) providing an overview of progress on the current projects.

Resolved:

- (i) The progress related to the Transformation Programme, as detailed in Appendices 1 and 2 to Report 19/174, be noted.
- (ii) A report be submitted to the Council in September 2019 on the future of school meal provision.

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## **EXECUTIVE SUB-COMMITTEE OF THE STRATEGIC POLICY AND RESOURCES COMMITTEE**

Minute of Meeting of the Executive Sub-Committee of the Strategic Policy and Resources Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 20 March 2019 at 3.10pm.

Present: Councillors M Lyle, P Barrett, C Stewart, D Doogan and G Laing.

In Attendance: J Valentine, Depute Chief Executive; S MacKenzie, F Robertson, D Stokoe, L Haxton, C Flynn and K Molley (all Corporate and Democratic Services).

Councillor M Lyle, Convener, Presiding.

### **1. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting. There were no apologies.

### **2. DECLARATIONS OF INTEREST**

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

### **3. COMMUNITY INVESTMENT FUND (Art. 327/18)**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (19/90) setting out the recommendations made by individual Ward Panels for the investment of the 2018/19 Community Investment Fund and seeking approval to release the funds.

#### **Resolved:**

- (i) The recommended funding awards for 2018/19 as detailed in Report 19/90 be approved.
- (ii) The carryover of funds to the second round of funding in 2019/20 for those wards where the full £50,000 was not spent in 2018/19 be approved.

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PROPERTY SUB-COMMITTEE

Minute of meeting of the Property Sub-Committee of the Strategic Policy and Resources Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Monday 18 February 2019 at 10.00am.

Present: Councillors P Barrett, D Doogan, J Duff (substituting for C Shiers), G Laing, A Parrott (substituting for B Band) and C Stewart.

In Attendance: S Crawford and D Littlejohn (both Housing and Environment); C Taylor (Education and Children's Services); C Flynn, L Gowans, C Irons and D Robertson (all Corporate and Democratic Services).

Apologies: Councillors B Band, M Lyle and C Shiers.

Vice-Convener Councillor P Barrett, presiding.

1. WELCOME AND APOLOGIES/SUBSTITUTES

The Vice-Convener welcomed all those present to the meeting. Apologies and substitutions were noted as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minutes of meeting of the Property Sub-Committee of 22 October 2018 and the special meeting of 18 December 2018 were submitted and approved as correct records.

4. SCHOOL ESTATE PROGRAMME PROGRESS REPORT

There was submitted a report by the Executive Director (Education and Children's Services) (19/44) (1) providing an update on the progress and proposals for delivering the current school projects within the Education and Children's Services School Estate Programme and (2) detailing key milestones which had been achieved.

Resolved:

The significant milestones achieved since the previous report to this Sub-Committee on 22 October 2018, as detailed in Appendix A to Report 19/44, be noted.

IT WAS AGREED 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**

P1. PROPOSED DISPOSAL OF SITE 5 AT KINROSS WEST, KINROSS

There was submitted a report by the Executive Director (Housing and Environment) (19/45) seeking approval to dispose of Site 5 at Kinross West, Kinross as part of the Commercial Property Investment Programme (CPIP).

Resolved:

The disposal of Site 5, Kinross West, Kinross for the gross sum of £350,000 on the terms as set out in Report 19/45 or otherwise on terms to be agreed by the Head of Planning and Development and the Head of Legal and Governance, be approved.

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## **APPEALS SUB-COMMITTEE**

Minute of meeting of the Appeals Sub-Committee held on Monday 18 March 2019 in Room 415, Fourth Floor, Council Building, 2 High Street, Perth.

Present: Councillors C Ahern, K Baird and A Jarvis.

In Attendance: Appellant; Appellant's Representative (S Robertson, Unite); Service's Representative (S Devaney, Human Resources); and M McLaren, Legal and Governance.

Also in Attendance: M Sullivan, Solicitor (as an observer).

### **1. APPOINTMENT OF CONVENER**

It was unanimously agreed that Councillor Ahern be appointed Convener of the Appeals Sub-Committee.

Councillor Ahern took the Chair.

**IT WAS AGREED THAT 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**

#### **P1. APPEAL AGAINST DISMISSAL (C/HR/20/041)**

The Appeals Sub-Committee was convened to consider an appeal against dismissal by a member of staff from the Housing and Environment Service.

The Appeals Sub-Committee considered documentation lodged by both parties and heard evidence from the appellant, the Human Resources representative and their witnesses. Thereafter the parties each summed up their case and withdrew.

#### **Resolved:**

That the dismissal was found to be fair and reasonable and the appeal be not upheld.

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APPEALS SUB-COMMITTEE OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Minute of Meeting of the Appeals Sub-Committee held in the Council Building, 2 High Street, Perth on Thursday 2 May 2019.

Present: Councillors Ahern, Anderson and Brawn.

In Attendance: Appellant; Appellant's Representative (S Hope, UNISON); Service's Representative (S Devaney, Human Resources) and M McLaren, Legal Services.

1. APPOINTMENT OF CONVENER

It was unanimously agreed that Councillor Ahern be appointed Convener of the Appeals Sub-Committee.

Councillor Ahern took the Chair.

2. PROCEDURE TO BE USED FOR DISCIPLINARY APPEAL

Resolved:

The procedure, as issued for the information of all present, be adopted.

IT WAS AGREED THAT 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

P1. APPEAL AGAINST DISMISSAL (Disciplinary Procedures)

The Appeals Sub-Committee was convened to consider an appeal against dismissal by a member of staff from Housing and Environment.

The Appeals Sub-Committee considered documentation lodged by both parties and heard evidence from the Service's representative and her witnesses, and from the Appellant's representative. Thereafter the parties summed up their cases and withdrew.

Resolved:

The Committee reached a unanimous decision to uphold the appeal and to reduce the sanction from dismissal to a written warning.

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**PERTH AND KINROSS COUNCIL  
STRATEGIC POLICY AND RESOURCES COMMITTEE  
EMPLOYEES JOINT CONSULTATIVE COMMITTEE**

Minute of meeting of the Employees Joint Consultative Committee, held in the Council Chamber, 2 High Street, Perth on Thursday 28 February 2019 at 10.00am.

**Present: Representing Perth and Kinross Council:**

Councillors H Anderson; D Illingworth (on behalf of Councillor M Lyle), R McCall and S McCole (all Perth and Kinross Council); K Robertson (on behalf of Executive Director (Education and Children Services)).

**Present: Representing Trade Unions:**

S Hope, M Dickson, T Maric and B Nichol (all UNISON) and S Robertson (Unite the Union).

**In Attendance:** K Donaldson (Corporate Human Resources Manager), P Johnstone, S McLeod, C Flynn and L Brown (all Corporate and Democratic Services).

**Apologies:** Councillor M Lyle (Perth and Kinross Council) and H Meldrum (GMB).

S Hope in the Chair

**1. DECLARATIONS OF INTEREST**

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

**2. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Employees Joint Consultative Committee of 22 November 2018 was submitted and approved as a correct record subject to a clarification to the fourth paragraph on page 2 that K Robertson had provided a position statement to the EJCC on behalf of Mitie and Tayside Contracts.

**3. MATTERS ARISING**

**(i) Employee Engagement Survey (Item 5 refers)**

S Hope enquired if it was mandatory that managers should meet with and provide feedback to their teams on the employee engagement survey results and if so what guidance was available to them in this regard. In response K Donaldson advised that although not monitored

centrally, the Senior Management Team within each Council Service encouraged and expected their managers to discuss the survey results at a team level. She confirmed that guidance was available but acknowledged this might need to be reviewed.

**(ii) Council Budget**

K Donaldson advised of two recent meetings with the Chief Executive and Head of Finance ahead of setting the Council Revenue Budget. At the second of these meetings, the Corporate HR Manager highlighted proposals for some amendments to the Council's retirement scheme, an annual leave purchase scheme and a Personal Contract Purchase (PCP) scheme which would enable employees to purchase an electric car. Meetings would be arranged in the coming weeks with the trade unions to obtain their views on the proposals.

**4. JOINT SECRETARY FOR TRADE UNIONS**

The Trade Union representatives unanimously agreed that Susan Robertson of Unite the Union be appointed as the Joint Secretary of the Employees Joint Consultative Committee for the Trade Union side.

**5. HEALTH AND WELLBEING**

The Committee received a presentation from S McLeod, Team Leader, Human Resources on progress in preparing the new Health and Wellbeing Framework for Council employees.

S McLeod advised that a range of consultation events had taken place involving employees, managers and trade unions on the shape of the new Health and Wellbeing Framework. The promotion of employee health and wellbeing had also formed part of the discussion at a Corporate Management Team Workshop on the Corporate Workforce Plan.

Feedback from the consultations had highlighted the following:

- overly prescriptive and procedurally focused policies
- the procedures focus on the minority
- an over-reliance on occupational health input,
- the need to adopt a more holistic approach to employee health and wellbeing
- managers would like more training
- the importance of good relations between an employee and their line manager, and
- the need to encourage regular discussion on health and wellbeing between the line manager and the employee

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S McLeod advised the new framework will focus on prevention and what support is available for employees. More emphasis will be placed on the fit note and the appropriate use of the occupational health service. She advised it is proposed that there be no mandatory meetings with employees and that managers should decide on what is the most appropriate action on a case by case basis.

A meeting with the Trade Unions to go over the proposals in more detail will be held in the coming week prior to the new Health and Wellbeing Framework being submitted to the Strategic Policy and Resources Committee for consideration.

The Committee:

- (i) Agreed that a further update be submitted to the Joint Consultative Committee prior to the implementation of the Framework.

**6. ETHICAL CARE CHARTER**

P Steel advised that the Council had signed up to incorporate the Ethical Care Charter within the Council's Framework for Commissioned Services and those commissioned services were expected to apply the standards set out in the Charter. She further advised that the Council had carried out a survey as part of its contract monitoring process and that all commissioned home care providers had confirmed they complied with the National Living Wage, paid statutory sick pay and supported training for their workers.

The Committee agreed:

- (i) A representative from Adult Social Work Services be requested to submit an update report to the next meeting.

**7. ANY OTHER COMPETENT BUSINESS**

**(i) Constitution**

K Donaldson advised of plans to review the membership of the Employees Joint Consultative Committee in order to ensure there is equity in the membership of the Trade Union and Management sides.

**8. DATE OF NEXT MEETING**

23 May 2019 at 10.00am.

**Post meeting note:**

Due to the European Elections being called on the 23 May 2019 the date of the next meeting was moved to 30 May 2019.

**VALEDICTORIES**

**(i) Keith Ridley**

The Convener extended his thanks to Keith Ridley, HR Manager, for his support to the Committee over many years and wished him well in his retirement from the Council.

**(ii) Tony Maric**

The Convener extended his thanks for Tony Maric for his support to the Committee and his work for Unison on equality and disability issues and wished him well in his new position with Aberdeen City Council.

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PERTH AND KINROSS INTEGRATION JOINT BOARD

Minute of Meeting of the Perth and Kinross Integration Joint Board (IJB) held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Friday 15 February 2019 at 10.30am.

Present:

Voting Members

Dr R Peat, Tayside NHS Board (Chair)
Councillor C Stewart, Perth and Kinross Council (Vice-Chair)
Councillor E Drysdale, Perth and Kinross Council
Councillor X McDade, Perth and Kinross Council
Councillor C Purves, Perth and Kinross Council
Ms L Birse-Stewart, Tayside NHS Board

Non-Voting Members

Mr J Foulis, NHS Tayside
Mr R Packham, Chief Officer
Ms J Pepper, Chief Social Work Officer, Perth and Kinross Council
Ms J Smith, Chief Financial Officer

Additional Members

Dr A Noble, External Adviser to Board
Dr D Walker, NHS Tayside

Stakeholder Members

Ms B Campbell, Carer Public Partner
Ms C Gallagher, Independent Advocacy Perth and Kinross
Ms L Lennie, Service User Public Partner

In Attendance:

K Reid, Chief Executive, Perth and Kinross Council; J Valentine, Depute Chief Executive, Perth and Kinross Council; C Flynn, A Taylor and K Sharp (all Perth and Kinross Council); V Aitken, C Jolly, R Duarte, P Henderson, E Devine, H Dougall and P Jerrard (all Perth and Kinross Health and Social Care Partnership); M Summers, Carer Public Partner; A Wood and L Denvir (both NHS Tayside) and R Jamieson, PKAVS.

Apologies:

Ms G Costello, Tayside NHS Board
Professor N Beech, Tayside NHS Board
Dr D Carey, Independent Contractor

1. WELCOME AND APOLOGIES

Dr Peat welcomed all those present to the meeting and apologies were noted as above.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Perth and Kinross Integration Joint Board Code of Conduct.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth and Kinross Integration Joint Board of 30 November 2018 was submitted and approved as a correct record.

4. ACTION POINT UPDATE

There was submitted and noted the action point update for the Perth and Kinross Integration Joint Board as at 15 February 2019 (G/19/5).

5. MATTERS ARISING

There were no matters arising from the previous minute.

IT WAS AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

6. FINANCE AND GOVERNANCE

6.1 2018/19 FINANCIAL RECOVERY PLAN

There was submitted a report by the Chief Financial Officer (G/19/7) seeking the homologation of the Board to the financial recovery plan actions agreed to mitigate the forecasted overspend on Adult Social Care Services and Healthcare Services in 2018/19.

Resolved:

- (i) The 2018/19 projected outturn position for the Perth and Kinross Integration Joint Board based on expenditure to Month 8, be noted.
- (ii) The decision by the Chair and Vice-Chair, along with the Chief Executives of both Perth and Kinross Council and NHS Tayside, to approve the recovery plan as outlined in this Report G/19/7 for Perth and Kinross Council Directed Adult Social Care Services and NHS Tayside (NHST) Directed Health Services, be homologated.
- (iii) The Chief Officer and Chief Financial Officer continue to seek all possible in-year opportunities over the remaining weeks of the financial year to deliver an improved financial out-turn.
- (iv) It be noted that the details of the recovery plan have also been formally reported to Perth and Kinross Council and will be reported to NHS Tayside Board.

6.2 2018/19 FINANCIAL POSITION

There was submitted a report by the Chief Financial Officer (G/19/6) providing an update to the Perth and Kinross Integration Joint Board (IJB) on the year-end financial forecast for 2018/19 based on the 9 months to 31 December 2018.

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Resolved:

- (i) The overall projected overspend of £1.954m for Perth and Kinross IJB for 2018/19; being an improvement of £2.081m from the last report, be noted.
- (ii) The progress with 2018/19 savings delivery, as set out in Report G/19/6, be noted.
- (iii) The update regarding IJB reserves, as set out in Report G/19/6, be noted.

6.3 AUDIT AND PERFORMANCE COMMITTEE UPDATE

Verbal Update by Chair of Audit and Performance Committee

Councillor Purves, Chair of the Audit and Performance Committee, advised the Board that the next meeting of the Audit and Performance Committee was not scheduled to be held until 19 February 2019.

He advised the committee that under the new revised terms of reference for the Audit and Performance Committee any member of the IJB was now free to attend and request to participate at meetings of the Audit and Performance Committee and encouraged members to attend the next meeting. He provided the Board with an update on the various items on the agenda to be discussed at the next meeting.

The Board noted the position.

6.4 2019/20 CORE HEALTH AND SOCIAL CARE BUDGET

There was submitted a report by the Chief Financial Officer (G/19/31) seeking approval from the Integration Joint Board (IJB) to the issue of a budget requisition for 2019/20 to Perth and Kinross Council (PKC) and NHS Tayside (NHST) in respect of Core Health and Social Care Services.

Appendix 2 of Report G/19/31 was tabled at the meeting.

Resolved:

- (i) The significant cost, demand and service pressures for 2019/20 and for 2020/21 and 2021/22, be noted.
- (ii) The savings that have been identified across the 3 year period, be noted.
- (iii) The intensive scrutiny and review that has been undertaken by the IJB Budget Review Group, be noted.
- (iv) The issue of a budget requisition to PKC and NHST in respect of Core Health and Social Care Services, be approved.
- (v) The further work being undertaken to develop a 3-Year Financial Plan for GP Prescribing and Hosted Services in order that a further budget requisition be issued to NHS Tayside following the March IJB Meeting, be noted.
- (vi) It be noted that Section 9.15 of the Integration Scheme requires both parent bodies to confirm the formal Budget Requisition to the Integration Joint Board by the day after the Council Tax is legally required to be set, this being Tuesday 12 March this year.
- (vii) The officer recommendation for Perth and Kinross Council's budget offer to the IJB for the 2019/20 financial year and that the Council's final budget

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settlement will be determined at its budget-setting meeting on Wednesday 20 February 2019, be noted.

- (viii) It be noted that the NHS Tayside Board budget-setting meeting for the 2019/20 financial year will take place on Thursday 28 February 2019.
- (ix) NHS Tayside be requested to provide the IJB with the necessary financial information, particularly in relation to hosted services and GP prescribing, thus allowing the IJB to fulfil its responsibilities in line with section 9.15 of the Integration Scheme 'to provide direction to the Partners before the start of the Integration Joint Board's financial year regarding the functions that are being directed, how they are to be delivered and the resources to be used in delivery' by Tuesday 12 March 2019.
- (x) Perth and Kinross Council and NHS Tayside be asked to work with officers from the Perth and Kinross Health and Social Care Partnership to facilitate an even more collaborative IJB budget-setting process to set the 3-year 2020/23 budget.
- (xi) It be requested that Perth and Kinross Council and NHS Tayside look to review the risk-sharing agreement for the IJB to provide clarity to the Board about how potential IJB overspends will be dealt with in the future.

7. DEVELOPING STRATEGIC OBJECTIVES

7.1 CHIEF OFFICER STRATEGIC UPDATE

There was submitted a report by the Chief Officer (G/19/8) updating Board members on progress against tasks outlined in the rolling actions list.

Resolved:

The contents of Report G/19/8 and the following updates be noted:

- (i) Winter Planning;
- (ii) Joint inspection of Adult Services by Care Inspectorate and Health Improvement Scotland;
- (iii) The update on the Strategic Plan refresh.

7.2 AUDIT SCOTLAND REPORT - 'HEALTH AND SOCIAL CARE UPDATE ON PROGRESS'

There was submitted a report by Chief Officer (G/19/9) sharing Audit Scotland's recently published report 'Health and Social Care Integration: update on progress' with the Integration Joint Board.

Resolved:

- (i) The recommendations contained in Report G/19/9, be noted.
- (ii) It be noted that the IJB management team will review this document to form an action plan.

B CAMPBELL LEFT THE MEETING AT THIS POINT.

8. STRATEGIC PROGRAMMES OF CARE

8.1 CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2017/18

There was submitted a report by the Chief Social Work Officer (G/19/10) (1) providing the Chief Social Work Officer's overview of social work and social care in Perth and Kinross during financial year 2017/18; (2) setting out how social care and social work services are being delivered and the key challenges in planning and delivering statutory social work functions; and (3) highlighting how social care and social work services are responding to new responsibilities associated with major changes in legislation and shifts in policy direction as well as increasing demand and associated budget pressures.

J Pepper provided the Board with a slide based presentation on the Chief Social Work Officer Annual Report 2017/19.

Resolved:

- (i) It be noted that Report G/19/10 was approved by Perth and Kinross Council on 19 December 2018.
- (ii) The Chief Social Work Officer Annual Report as set out in Appendix 1 to Report G/19/10 be noted.

K REID AND J VALENTINE BOTH LEFT THE MEETING AT THIS POINT.

8.2 PERTH AND KINROSS HEALTH AND SOCIAL CARE STRATEGIC COMMISSIONING PLAN HOUSING CONTRIBUTION STATEMENT

There was submitted a report by the Head of Housing, Perth and Kinross Council (G/19/11) providing an update on the contribution housing has made to delivering the Health & Social Care priorities within the Strategic Commissioning Plan and also providing an update on the achievements delivered, the impact this has had on outcomes for people and an overview of some of the challenges and next steps.

C Mailer provided the Board with a slide based presentation on the Perth and Kinross Health and Social Care Strategic Commissioning Plan Housing Contribution Statement.

Resolved:

- (i) The contribution housing has made to the implementation of the Perth and Kinross Health and Social Care Strategic Commissioning Plan 2016-2019, be noted.
- (ii) The Chief Officer be instructed to integrate the contribution housing makes towards enabling people who are ill, vulnerable or with disabilities to live as independently as possible into the future revised Strategic Commissioning Plan.

A WOOD AND L BIRSE-STEWART BOTH LEFT THE MEETING AT THIS POINT.

IT WAS AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

8.3 APPLICATION TO AMEND GMS CONTRACT AND TO CLOSE THE BRANCH SURGERY PREMISES IN ST MADDOES FOR THE CARSE MEDICAL PRACTICE, ERROL

There was submitted a report by the Associate Medical Director (G/19/14) outlining the current issues relating to the general practice provision for the Carse Medical Practice, Errol and to consider the Practice's request to vary their GMS Contract, detailing their proposal to close the branch surgery in St Maddoes and to provide general medical services from the main practice centre in Errol.

J Devine, Primary Care Manager was in attendance and provided the Board with a brief summary of the report.

Resolved:

- (i) The application made by the Carse Medical Practice to close their branch surgery premises in St Maddoes in accordance with Part 8 - Variation and Termination of Contracts of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, be noted.
- (ii) The aim of the Carse Medical Practice that all current patients have the opportunity to remain registered with the Carse Medical Practice and to continue to see their current GP team, be supported.
- (iii) The preferred option of the Carse Medical Practice to consolidate its services on one site to maintain the sustainability of the practice, subject to approval by NHS Tayside Board, be noted.
- (iv) It be agreed that further consultation with the GPs and the GP practice population be held to inform a Health Needs Assessment that will support the development of new GP practice premises in the longer term.

L BIRSE-STEWART RETURNED TO THE MEETING DURING THE ABOVE ITEM.

8.4 STRATEGIC PROGRAMME OF CARE BOARDS – TERMS OF REFERENCE

There was submitted a report by the Chief Officer (G/19/12) seeking agreement on the finalised Terms of Reference for the four Strategic Programme of Care Boards.

Resolved:

The item be withdrawn for further discussion and brought back to the next meeting of the IJB.

8.5 STRATEGIC PROGRAMME OF CARE BOARDS – PROGRESS UPDATE

There was submitted a report by the Chief Officer (G/19/13) providing an update on progress from the four Strategic Programme of Care Boards which have been recently established by the Perth and Kinross Health and Social Care Partnership.

K Sharp and R Jamieson provided the Board with a slide based presentation on the Carers Programme Board.

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Resolved:

- (i) The progress on the establishment of the four Strategic Programme of Care Boards be noted.
- (ii) It be noted that the four Strategic Programme of Care Boards intend to provide an update on progress at all future IJB meetings.
- (iii) It be noted that the four Strategic Programme of Care Boards intend to provide quarterly updates on progress and performance for scrutiny to the Perth and Kinross Audit & Performance Committee by means of agreed performance frameworks.
- (iv) The proposed and planned strategic delivery actions for each Board as detailed in Section 3 of Report G/19/13, be noted.

COUNCILLOR MCDADE AND J FOULIS BOTH LEFT THE MEETING DURING THE ABOVE ITEM.

9. INFORMATION

There were submitted and noted the following reports for information:

9.1 PUBLIC BODIES CLIMATE CHANGE DUTIES – Report by Chief Officer (G/19/15)

9.2 STANDARDS COMMISSION FOR SCOTLAND – STANDARDS UPDATE ISSUED 20 DECEMBER 2018 (G/19/16)

10. FUTURE IJB MEETING DATES 2019

Friday 22 March 2019 at 2.00pm (Additional Special Meeting)

Wednesday 1 May 2019 at 2.00pm

Wednesday 26 June 2019 at 2.00pm

Friday 27 September 2019 at 9.30am

Wednesday 4 December 2019 at 2.00pm

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## **SCRUTINY COMMITTEE**

Minute of meeting of the Scrutiny Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 12 June 2019 at 1.00pm.

Present: Councillors G Laing, A Parrott, C Ahern, H Coates (up to and including Art. 319), S Donaldson (substituting for Councillor S McCole) (up to and including Art. 313), D Doogan, D Illingworth, T McEwan, C Purves (up to and including Art. 319) and C Stewart.

In Attendance: B Renton, Executive Director (Housing and Environment) (up to and including Art. 312); K McNamara, Depute Director (Housing and Environment) (up to and including Art. 312); J Pepper, Depute Director (Education and Children's Services) (up to and including Art. 313); C Mailer and A Seggie (Housing and Environment) (both up to and including Art. 312); R Hill, S Johnstone and J Chiles (both Education and Children's Services) (all up to and including Art. 313); K Donaldson, D Henderson, M Mahmood, S MacKenzie, F Robertson, L Simpson, S Walker and D Williams (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle and S McCole.

Councillor G Laing, Convener, Presiding.

The Convener led discussion on Arts. 308-315 and 320 and the Vice-Convener led discussion on Arts. 316-319.

### **308. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting and apologies were noted as above.

### **309. DECLARATIONS OF INTEREST**

Councillor H Coates declared a non-financial interest in Art. 320(Item 13).

### **310. MINUTE OF THE MEETING OF THE SCRUTINY COMMITTEE OF 17 APRIL 2019**

The minute of meeting of the Scrutiny Committee of 17 April 2019 (Arts. 195-200) was submitted, approved as a correct record and authorised for signature.

### **311. BUSINESS GATEWAY**

Following the presentation to the Scrutiny Committee on Business Gateway at its meeting of 20 March 2019, the Chief Executive of Dundee City Council has written to the Chief Executive of Perth and Kinross Council advising that the reduction in funding to Business Gateway will be reversed, taking effect from 2020/21.

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The Convener expressed thanks to the Chief Executive and other officers of the Council for their work on this matter, and requested a full report on the matter be brought to both Scrutiny and Audit Committees.

**312. HOUSING AND ENVIRONMENT BUSINESS MANAGEMENT AND IMPROVEMENT PLAN 2019-20**

There was submitted a report by the Executive Director (Housing and Environment) (19/133) presenting the first combined Housing and Environment Annual Performance Report for 2018/19, and Business Management Improvement Plan 2019-20. It was noted that Report 19/133 had previously been submitted to the Housing and Communities and Environment and Infrastructure Committees on 15 May 2019.

B Renton, Executive Director (Housing and Environment) informed members that this was the first full Business Management Improvement Plan for the combined service, highlighting the work in both delivery and the creation of the service.

In response to a query from Councillor McEwan regarding gas central heating in Council properties, B Renton informed members that, at present, gas central heating was the best solution for Council tenants, although the situation would continue to be monitored.

In response to a query from Councillor Parrott regarding how concerns regarding unemployment in Perth and Kinross were being taken forward, K McNamara, Depute Director (Housing and Environment) stated that whilst unemployment in Perth and Kinross was low, work was being undertaken with numerous sources such as the Employment Hub. He added that work was being undertaken to establish why jobs were not being taken up and work was being undertaken on recruitment with local businesses.

**Resolved:**

The contents of Report 19/133, be noted.

B RENTON, K McNAMARA, C MAILER AND A SEGGIE LEFT THE MEETING AT THE POINT.

**313. EDUCATION AND CHILDREN'S SERVICES JOINT BUSINESS MANAGEMENT AND IMPROVEMENT PLAN 2019-20 AND ANNUAL PERFORMANCE REPORT 2018-19**

There was submitted a report by the Executive Director (Education and Children's Services) (19/154) presenting the Joint Business Management and Improvement Plan 2019/20 and Annual Performance Report 2018/19 for Education and Children's Services, summarising service performance over the past year and setting the direction of improvement for the forthcoming year. It was noted that Report 19/154 had previously been submitted to the Lifelong Learning Committee on 22 May 2019.



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J Pepper, Depute Director (Education and Children's Services) informed members that this was the first time Community Justice had been included in a report of this nature from Education and Children's Services, and also advised members of a planned briefing in October 2019 for members of the Scrutiny Committee, members of the Council's Lifelong Learning Committee and members of the Perth and Kinross Community Justice Partnership, on the subject of Community Justice.

In response to a query from Councillor Purves regarding the Tayside Regional Improvement Collaborative, R Hill, Education and Children's Services, expressed to members the benefits of the Collaborative in exchanging expertise, adding that the Collaborative had formalised existing work between Perth and Kinross, Dundee, Angus and Fife Council's, with S Johnstone, Education and Children's Services highlighting the benefits of funding for the collaborative in terms of training whilst also advising members of the development of the Welfare Rights worker in Perth and Kinross to work with pregnant women. In response to a further question from Councillor Stewart on the Tayside nature of the Collaborative, S Johnstone advised members that individual schools in Perth and Kinross were working with partner schools in Local Authorities outside of the Tayside Regional Improvement Collaborative, and that this was on an individual school level.

In response to a query from Councillor McEwan regarding benefitting of school uniforms, R Hill advised members that work was ongoing with the Council's Welfare Rights team, with options such as clothing banks discussed, and S Johnstone added that constructive discussion with parent councils had taken place in this regard. In response to a further query from Councillor Doogan regarding the environmental benefits of clothing banks, S Johnstone confirmed that this had been raised in discussions.

**Resolved:**

The contents of Report 19/154, be noted.

J PEPPER, J CHILES, R HILL AND S JOHNSTON LEFT THE MEETING AT THIS POINT.

COUNCILLOR DONALDSON LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

**314. CORPORATE AND DEMOCRATIC SERVICES JOINT BUSINESS  
MANAGEMENT AND IMPROVEMENT PLAN 2018-21**

There was submitted a report by the Head of Legal and Governance Services (19/177) presenting a reviewed and updated version of the Business Management and Improvement Plan for Corporate and Democratic Services for 2018-21, as of 31 March 2019.

In response to a query from Councillor Donaldson regarding the Council's equal pay audit, K Donaldson, Corporate and Democratic Services, confirmed this audit would be annual and there was an intention to submit a report on this matter to Council in December.

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In response to a query from Councillor Purves regarding the review of the Council's Standing Orders and Decision Making Structure, L Simpson, Corporate and Democratic Services, advised that this was part of a wider review of the Council's corporate governance arrangements to ensure that they were fit for purpose to deliver the Council's strategic objectives. She advised that this would be an evolving process as the Perth and Kinross Offer was developed and assured elected members that they would be involved in the process.

**Resolved:**

The contents of Report 19/177, be noted.

**315. ANNUAL GOVERNANCE STATEMENT**

There was submitted a report by the Head of Legal and Governance Services (19/178) seeking approval of the Annual Governance Statement (AGS) for the financial year 2018/19, which provides assurance as to the effectiveness of the Council's governance framework and in particular the system of internal control.

In response to a query from Councillor Purves regarding whether Arms-Length External Organisations (ALEOs) had to provide an Annual Governance Statement, L Simpson advised that whilst ALEOs are not required to submit an Annual Governance Statement, they do undertake the same self-assessment exercise as Council services and that the Contract Monitoring Officer for the ALEOs provides the certificate of assurance. F Robertson advised members that there had never been a situation in the past where an Arms-Length External Organisation had been unable to provide assurance.

**Resolved:**

The contents of Report 19/178, be noted.

**316. DATA PROTECTION COMPLIANCE 2018-19**

There was submitted a report by the Data Protection Officer (19/179) reporting the professional assessment of the Council's compliance with the General Data Protection Regulation (GDPR) by the Data Protection Officer, as is required to be provided by the Data Protection Officer in accordance with legislation. Report 19/179 relates to the year 2018-19.

In response to a query from Councillor Laing regarding training in Data Protection, L Simpson assured members that in specific areas which carried greater risk in terms of the processing of sensitive personal data, bespoke training had been delivered to targeted teams. D Henderson, Corporate and Democratic Services, added that a lot of work had been completed in the key areas Children's Services and Adult Services.

**Resolved:**

The contents of Report 19/179, be noted.

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**317. ANNUAL REVIEW OF CYBER SECURITY**

There was submitted a report by the Head of Legal and Governance Services (19/180) providing an overview of Cyber Security in the Council and providing assurance as to current risks and threats. Report 19/180 provides an updated of the current arrangements in place within the Council to protect that information (“cyber security”) and details the relevant compliance frameworks which the organisation is subject to. The report also gives an analysis of the security measures in place in order to counteract threats and mitigate the risks to provide the Council with assurance as to the integrity of our systems and processes.

D Henderson advised members that this annual report had been considered by Strategic Policy and Resources Committee in previous years.

**Resolved:**

The contents of Report 19/180, be noted.

**318. FOI PERFORMANCE REPORT 2018-19**

There was submitted a report by the Head of Legal and Governance Services (19/181) describing the Council’s performance in relation to its obligations under the Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004 for the year 2018-19. The report also provides an overview of some of the Council’s other information-related activities.

In response to a query from Councillor McEwan regarding the availability of information where there was a commonality in FOI requests, L Simpson informed members that the FOI team did monitor and review requests to identify trends or common requests. Where these are identified the team work with services to such information into the public domain.

**Resolved:**

The contents of Report 19/181, be noted.

**319. REGISTRATION OF BIRTHS, DEATHS, MARRIAGES AND CIVIL PARTNERSHIPS – INSPECTION REPORTS BY NATIONAL RECORDS OF SCOTLAND**

There was submitted a report by the Head of Legal and Governance Services (19/182) commenting on the annual inspection reports from the National Records of Scotland on the provision of registration services in the Perth and Kinross Council area in 2016 and 2017. L Simpson advised that whilst the information related to a 2016 and 2017, that it was only recently published and therefore could not be reported any earlier.

**Resolved:**

The contents of Report 19/182, be noted.

THERE FOLLOWED A TEN MINUTE RECESS

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HAVING PREVIOUSLY DECLARED AN INTEREST, COUNCILLOR COATES LEFT THE MEETING AT THIS POINT. COUNCILLOR PURVES ALSO LEFT THE MEETING AT THIS POINT.

**320. UPDATE BY ARMS-LENGTH EXTERNAL ORGANISATIONS**

**(i) Horsecross Arts Ltd.**

F Robertson, delivered a slide-based presentation updating members on the financial position and governance arrangements of Horsecross Arts Ltd.

P Winkles, Interim Head of Finance, Board Member, Horsecross Arts Ltd., provided a verbal update on Horsecross Arts Ltd.

P Winkles advised members of discussions with Council officers regarding the establishment of the joint advisory committee, established to work with the Horsecross Arts Ltd. Board to bring about improvements in financial management, health and safety, and operational management, welcoming the opportunity to work closer with the Council.

P Winkles highlighted to members the financial year 2018/19 saw the projected budget deficit fall from £450,000 to an expected outcome of £175,000. P Winkles advised members that the financial year 2018/19 was the first full year of Horsecross Arts Ltd. operating both the Perth Concert Hall and Perth Theatre since 2013, and informed members that the last quarters figures showed a significant increase in ticket sales at both venues.

P Winkles highlighted to members the work completed with schools, informing members that opportunities had been offered to thirty local primary schools, with those opportunities taken up by fifteen of those schools, and felt that working alongside the advisory group more work of this nature could be undertaken.

Members sought assurance on matters such as: funding sources; future financial planning arrangements; and customer retention.

The Convener thanked P Winkles for his attendance.

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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 19 June 2019 at 9.00am.

Present: Councillors A Parrott, C Ahern, B Band, A Coates, D Doogan, E Drysdale, M Lyle, S McCole, J Rebbeck and W Wilson.

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

Apologies: Councillors P Barrett and H Coates

Councillor A Parrott, Convener, Presiding.

321. WELCOME AND APOLOGIES

Councillor A Parrott welcomed all present to the meeting.

The Convener advised the Committee that the Tay Foundation application in Art. 325 had been withdrawn.

322. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor C Ahern declared a non-financial interest in Art. 325(5).

323. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth Common Good Fund Committee of 24 April 2019 (Arts.201-207) was submitted, approved as a correct record and authorised for signature.

324. MATTERS ARISING

There were no matters arising.

325. APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a report by the Chief Executive (19/183) asking Perth Common Good Fund Committee to consider 6 applications for financial assistance (four for small grants and two for capital grants).

Resolved:

(1) Friends of St John's Kirk of Perth

Friends of St John's Kirk of Perth be awarded a grant of £247 towards the costs of a St John's Carillon Recording. The Committee requested a report back on the activity to a future meeting.

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(2) Headway Perth and Kinross

Headway Perth and Kinross be awarded a grant of £224 towards the costs of a summer coach trip to Dunfermline.

(3) Jar of Jewels

Jar of Jewels be awarded a grant of £822 towards the costs of a Pakistan Independence Day Celebration. The Committee requested a report back on the activity to a future meeting.

(4) PKAVS Mental Health and Wellbeing Hub

PKAVS Mental Health and Wellbeing Hub be awarded a grant of £1,329 towards the costs of Open Studios leading to an End of Year Production.

(5) North Inch Bowling and Sports Club

North Inch and Bowling Sports Club be awarded a grant of £2,037 towards the costs of Phase 2 of a Club House Extension.

(6) River Tay Community Sport Hub

River Tay Community Sport Hub be awarded a grant of £600 towards the costs of the purchase of a Defibrillator.

326. 2018/19 & 2019/20 FINANCIAL STATEMENTS

There was submitted a report by the Head of Finance (19/184) including the 2018/19 Unaudited Financial Statement and 2019/20 Financial Statement to 26 May 2019 and the projected outturn to 31 March 2020.

Resolved:

- (i) The Perth Common Good Fund Unaudited Financial Statement to 31 March 2019 as set out in Appendix 1 to Report 19/184, be noted.
- (ii) The Perth Common Good Fund Financial Statement to 26 May 2019 and the projected outturn to 31 March 2020 for Financial Year 2019/20 as set out in Appendix 2 to Report 19/184, be noted.
- (iii) The Committee requested an update be brought to the next meeting of the Perth Common Good Fund Committee on the works at 2 North Port shop and Harbour End Store.

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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 19 June 2019 at 9.30am.

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

In Attendance: D Coyne, C Flynn, C Holgate, L Haxton, J Lawson, M Mahmood, K Molley, J Salisbury and F Robertson (all Corporate and Democratic Services).

Councillor T Gray, Convener, Presiding.

### **327. WELCOME AND APOLOGIES**

Councillor T Gray welcomed all present to the meeting.

### **328. DECLARATIONS OF INTEREST**

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

### **329. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Perth Common Good Fund Committee of 27 February 2019 (Arts. 546-552) was submitted, approved as a correct record and authorised for signature.

### **330. MATTERS ARISING**

There were no matters arising.

### **331. APPLICATIONS FOR FINANCIAL ASSISTANCE**

There was submitted a report by the Chief Executive (19/185) asking Auchterarder Common Good Fund Committee to consider three applications for financial assistance from Auchterarder Bloom Association, Blackford Fiddle Group and Lang Toon Childcare Hub.

#### **Resolved:**

- (1) Auchterarder Bloom Association**  
Auchterarder Bloom Association be awarded a grant of £2,500 towards the costs of Garrie's Corner Improvements.
- (2) Blackford Fiddle Group**  
Blackford Fiddle Group be awarded a grant of £1,250 towards the costs of a 2019 Blackford Fiddle Workshop Programme.

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**(3) Lang Toon Childcare Hub**

Landford Toon Childcare Hub be awarded a grant of £9,760 towards the costs of Auchterarder Summer Camps for Primary Aged Children and Multi Sport Sessions for Secondary Aged Young People.

**332. 2018/19 & 2019/20 FINANCIAL STATEMENTS**

There was submitted a report by the Head of Finance (19/186) including the 2018/19 Unaudited Financial Statement and 2019/20 Financial Statement to 26 May 2019 (including the projected outturn to 31 March 2020).

**Resolved:**

- (i) The Auchterarder Common Good Fund Unaudited Financial Statement to 31 March 2019 as set out in Appendix 1 to Report 19/186, be noted.
- (ii) The Auchterarder Common Good Fund Financial Statement to 26 May 2019 and the projected outturn to 31 March 2020 for Financial Year 2019/20 as set out in Appendix 2 to Report 19/186, 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 19 June 2019 at 9.40am.

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

In Attendance: D Coyne, C Flynn, C Holgate, L Haxton, J Lawson, M Mahmood, K Molley and J Salisbury (all Corporate and Democratic Services);

Apologies: Councillor C Shiers

Councillor T McEwan, Convener, Presiding.

333. WELCOME AND APOLOGIES

Councillor T McEwan welcomed all present to the meeting and an apology was noted as above.

334. DECLARATIONS OF INTEREST

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

335. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Blairgowrie Common Good Fund Committee of 3 October 2019 (Arts. 553-558) was submitted, approved as a correct record and authorised for signature.

336. MATTERS ARISING

There were no matters arising.

337. APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a report by the Chief Executive (19/187) asking Blairgowrie Common Good Fund Committee to consider one application for financial assistance from Wisecraft.

Resolved:

- (1) Wisecraft**
Wisecraft be awarded a grant of £155 towards the costs of Open Studios.
- (2)** No applications for financial assistance to be accepted until further notice.

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338. 2018/19 & 2019/20 FINANCIAL STATEMENTS

There was submitted a report by the Head of Finance (19/188) including the 2018/19 Unaudited Financial Statement and 2019/20 Financial Statement to 26 May 2019 (including the projected outturn to 31 March 2020).

Resolved:

- (i) The Blairgowrie Common Good Fund Unaudited Financial Statement to 31 March 2019 as set out in Appendix 1 to report 19/188, be noted.
- (ii) The Blairgowrie Common Good Fund Financial Statement to 26 May 2019 and the projected outturn to 31 March 2020 for Financial Year 2019/20 as set out in Appendix 2 to Report 19/188, 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 19 June 2019 at 11.00am.

Present: Provost D Melloy, Councillors C Ahern, H Anderson, A Bailey, K Baird, B Band, M Barnacle, P Barrett, B Brawn, R Brock, A 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 (up to and including Art. 342), B Pover, C Purves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

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); J Pepper, Depute Director (Education and Children's Services); K McNamara, Depute Director (Housing and Environment); D Littlejohn, P Marshall, A Condcliffe, A Deans, J Ferguson and K Steven (all Housing and Environment); L Simpson, G Fogg, S Hendry, S MacKenzie, C Flynn, D Robertson and S Walker (all Corporate and Democratic Services); C Cardno and R McLean, both Sweco UK.

Apologies for Absence: Councillors H Coates and I James.

Provost D Melloy, Presiding.

The Provost led the discussion for Arts. 339-341 and 343-350 and the Depute Provost for Art. 342.

### **339. WELCOME AND APOLOGIES**

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

### **340. DECLARATIONS OF INTEREST**

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

### **341. REQUEST FOR DEPUTATION**

In terms of Standing Order 72, it was agreed to hear a request received from Scone and District Community Council to address the Council in relation to Art. 342.

In terms of Standing Order 34, it was agreed to vary the order of business to consider Art. 342 at this point.

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**342. PERTH TRANSPORT FUTURES PROJECT PHASE 2 – CROSS TAY LINK ROAD – REVIEW OF ALIGNMENT BETWEEN A93 AND A94**

There was submitted a report by the Depute Chief Executive, Chief Operating Officer (19/189) providing (1) a technical comparative assessment between the current preferred route of the Cross Tay Link Road (between the A93 and A94 only) as originally scoped, assessed and determined by the Council ('the current preferred route'); and (2) a recently proposed alternative route situated to the north of Housing Development Site H29 ('the northern route'). A risk based assessment of the northern route had also been undertaken using the same criteria: technical, financial, environmental, economic and legal and provided a clear professional recommendation for elected members to consider.

A revised version of the scoring table from paragraph 3.7 of Report 19/189 was circulated for members' information.

In terms of Standing Order 72, Professor J Belch and Mr D McKerracher, representing Scone and District Community Council, addressed the Committee and answered Members questions. Following their representations they withdrew to the public benches.

**Motion (Councillors M Lyle and P Barrett)**

**For the reasons set out in Report 19/189, The Council retains and takes forward the current preferred route of the Cross Tay Link Road between the A93 and the A94, as set out in Report 19/189.**

**Amendment (Councillors C Stewart and F Sarwar)**

That the Council:

notes the contents of report 19/189, and the technical comparative assessment;

notes the advice on best value, but is aware that best value must be interpreted in more than purely financial terms, and that there is a particular requirement to achieve sustainable development;

believes that the Council can go further than meeting minimum statutorily required levels of air quality;

believes that the 'northern alignment' detailed in the report will still address air quality issues at Bridgend and in the city centre, but will better serve future residents of the Scone North (H29) housing development in terms of community links, active travel, and air quality, and therefore overall health and well-being, and will therefore avoid future costs to the public sector associated with ill-health, such costs including but not limited to those accruing to the Council itself, and that any additional investment now can be regarded as 'spend-to-save' thus fulfilling the requirement to achieve best value;

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and therefore approves the alternative northern route as set out in the report and undertakes to address the financial implications of this decision at its next budget-setting meeting in February 2020.

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

26 members voted for the Motion as follows:

Councillors C Ahern, H Anderson, K Baird, B Band, P Barrett, B Brawn, A Coates, S Donaldson, D Doogan, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, A Jarvis, M Lyle, R McCall, S McCole; Provost D Melloy; A Parrott, J Rebbeck, C Reid, W Robertson, C Shiers, M Williamson and W Wilson

11 members voted for the Amendment as follows:

Councillors A Bailey, M Barnacle, R Brock, G Laing, X McDade, T McEwen, B Pover, C Purves, F Sarwar, C Stewart and R Watters.

1 member abstained as follows:

Councillor L Simpson.

**Resolved:**

In accordance with the Motion.

In terms of Standing Order 60, Councillor C Stewart requested his dissent to the decision taken be recorded.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 2.15PM

**343. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 39**

**(i) Removal of VAT on Sanitary Products**

Motion (Councillors F Sarwar and A Bailey)

In the UK, VAT is still currently applied to sanitary products. The campaign for period dignity acknowledges the impact of costly sanitary products and other period related products on women and girls, especially those affected by lower incomes and domestic abuse. The dignity, health and well-being of women and girls should come before collecting VAT on items which are necessities and not luxuries. The Council therefore, supports the campaign for period dignity and asks the Council Leader to write to the Chancellor of the Exchequer calling for all VAT to be removed from sanitary products.

**Resolved:**

In accordance with the Motion, with the following addition: The Council Leader to also write on similar terms to the current Members of the European Parliament who represent Scotland.

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**(ii) Climate Change Emergency**

Motion (Councillors R Watters and F Sarwar)

The Extinction Rebellion campaign and other similar campaigns led by Greta Thunberg and young people round the world are drawing critical attention to what is recognised as the number one issue facing the world today. This was re-emphasised in May 2019 when the UN body, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems Services, issued a report warning about the damage human beings are causing to the planet. The report notes that climate change is one of the top drivers of this damage and it is not too late to turn things around, but to do so require transformational change.

The contribution the Council has made to reduce our own carbon footprint is acknowledged, yet there remains much to do and as noted a transformational change is required.

As a Council we wish to play our part in accelerating this transformational change, understand the implications for climate change in everything we do, and lead by example. This Council requests the Chief Executive to set out a route map to deliver, through co-production with citizens and other stakeholders, a low carbon Perth & Kinross, specifically to:-

1. Under the auspices of the Perth and Kinross Offer, establish a forum with our Community Planning Partners to scope out the required vision and transformational change necessary for climate change.
2. Report back to the Council before end of March 2020 with details of
  - A baseline report on where we are now both as a Council and the wider Perth and Kinross CPP Area
  - An analysis of our current plans and strategies and their compatibility with the need for transformational change
  - A route map and the identification of the resources required for delivery
  - Arrangements to ensure that the consideration of climate change is embedded in our decision making processes
  - Measures to ensure the Council is seen as an exemplar in reducing its carbon footprint, including measures which can be implemented immediately

**Resolved:**

In accordance with the Motion.

**344. MINUTE OF PREVIOUS MEETING**

The minute of the meeting of Perth and Kinross Council of 24 April 2019 (Arts. 222-232) was submitted, approved as a correct record and authorised for signature.

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**345. MINUTES OF MEETINGS OF COMMITTEES FROM 10 APRIL 2019 to 22 MAY 2019**

The decisions recorded in Arts. 171-221 and 233-291, copies of which had been circulated to all members of the Council, were submitted and noted.

**346. ANNUAL TREASURY REPORT 2018/19**

There was submitted a report by the Head of Finance (19/190) (1) summarising the Council's treasury activities for the 2018/19 financial year; and (2) comparing actual performance with the approved Treasury and Investment Strategy for 2018/19.

**Resolved:**

The contents of Report 19/190, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

**347. UPDATE ON GAELIC LANGUAGE PLAN 2018-23**

There was submitted a report by the Depute Chief Executive, Chief Operating Officer (19/191) providing an update on implementation of the Perth and Kinross Council Gaelic Language Plan 2018 – 2023.

**Resolved:**

The progress made in the implementation of the Gaelic Language Plan 2018-2023, and feedback from Bòrd na Gàidhlig on strengths and areas for future development, be noted.

**348. PROPOSAL TO GRANT THE FREEDOM OF PERTH TO BRIGADIER SIR MELVILLE JAMESON KCVO CBE, LORD-LIEUTENANT OF PERTH AND KINROSS**

There was submitted a joint report by the Chief Executive and Depute Chief Executive, Chief Operating Officer (19/192) relating to a proposal to grant the Freedom of the City of Perth to Brigadier Sir Melville Jameson KCVO CBE on his retirement as Lord-Lieutenant of Perth and Kinross.

**Resolved:**

- (i) In terms of Section 206 of the Local Government (S) Act 1973, the Freedom of the City of Perth be granted to Brigadier Sir Melville Jameson KCVO CBE on his retirement as Lord-Lieutenant of Perth and Kinross.
- (ii) The Freedom of the City of Perth ceremony to take place at the close of the City of Perth Salute on Sunday 18 August 2019.
- (iii) The Depute Chief Executive be delegated authority, in consultation with the Provost, to finalise the arrangements for the event.

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**349. APPOINTMENTS TO WORKING GROUP/OUTSIDE BODY**

**Resolved:**

- (i) It be agreed that Councillor X McDade replace Councillor M Barnacle on the Modernising Governance Member/Officer Working Group.
- (ii) It be agreed that Councillor A Jarvis replace Councillor C Stewart on the Scotland Excel Joint Committee, with Councillor D Illingworth replacing Councillor C Purves as the substitute member.

**350. AMENDMENTS TO SCHEME OF ADMINISTRATION**

**Resolved:**

The following changes to the Scheme of Administration be agreed:

**PART 3**

**DELEGATION TO OFFICIALS**

**25. Statutory Appointments of Officers**

Section 25.1 – Amend relevant sections as follows:

Social Work (Scotland) Act 1968

Section 3 – Chief Officer of Social Work – Depute Director (Education and Children's Services)

**26. Duties of Statutory Officers**

**Chief Social Work Officer**

Section 26.15 – Amend as follows:

The Council has resolved that the Depute Director (Education and Children's Services) is the Chief Social Work Officer.

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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 25 June 2019 at 10.30am.

Present: Councillors L Simpson, B Brawn and T Gray.

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

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

Councillor L Simpson, Convener, Presiding.

351. DECLARATIONS OF INTEREST

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

352. MINUTES

The minute of meeting of the Local Review Body of 28 May 2019 (Arts. 291-294) was submitted and noted.

353. APPLICATION FOR REVIEW

- (i) **TCP/11/16(598)**
Planning Application – 19/00078/FLL – Extension to dwellinghouse, Westwinds, St Davids, Madderty, Crieff, PH7 3PJ – Mrs J Melville

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, Westwinds, St Davids, Madderty, Crieff, PH7 3PJ.

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 an extension to dwellinghouse, Westwinds, St Davids, Madderty, Crieff, PH7 3PJ, be refused for the following reason:

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1. The proposals, by virtue of their inappropriate scale, excessive proportions, poor form, design, composition and proximity to boundaries would overdevelop, overwhelm and unbalance the existing dwellinghouse resulting in development which will impact negatively on established amenity levels and be out of keeping with the character and appearance of the existing house and surrounding built environment.

Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

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 considered that the Appointed Officer's decision should be overturned and permission for an extension to dwellinghouse should be granted. He considered that the proposal appropriate for the site, not contrary to the Development Plan and, with the imposition of relevant conditions, would be acceptable in this location.

**(ii) TCP/11/16(599)
Planning Application – 18/02257/IPL – Erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill – Mr M Baxter**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill.

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 a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill, be refused for the following reason:
 - 1. The proposal is contrary to the Policy PM4, Settlement Boundaries, of the Perth and Kinross Local Development Plan 2014, as the site lies outwith the defined settlement of Cottown/Chapelhill, and there are no overriding considerations or circumstances to justify granting permission contrary to this policy.

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(601)**
Planning Application – 19/00283/FLL – Alterations to boundary wall, formation of hardstanding and erection of retaining walls (in retrospect), 2 Croft Terrace, Errol – Ms A Anderson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall, formation of hardstanding and erection of retaining walls (in retrospect), 2 Croft Terrace, Errol.

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:

- (ii) 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 refuse alterations to boundary wall, formation of hardstanding and erection of retaining walls (in retrospect), 2 Croft Terrace, Errol, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives, including that regarding the surface of the parking space.

Justification

Members noted that Listed Building Consent for these works within the Errol Conservation Area had been granted by Scottish Government on appeal since the previous consideration of this proposal by the Local Review Body. Whilst accepting that the proposal was contrary to Policy PM1B(c) of the Perth and

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Kinross the Development Plan 2014, the Local Review Body considered that the prospective use of Croft Terrace as a private road was essentially a civil, rather than planning, consideration. Regarding the prospective change in circumstances for traffic on Gas Brae, this was assessed as being acceptable due to the very lightly trafficked nature of the road. The personal circumstances of the applicant regarding impaired mobility was also noted and taken into consideration in concluding that planning permission be granted.

(iv) TCP/11/16(602)
Planning Application – 19/00048/IPL – Erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot – Mrs M Paterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot.

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 the erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot, 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 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
 - 2. The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes' of the Perth and Kinross Local Development Plan 2014, as the siting of the development on a prominent piece of land with no suitable landscape containment erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character.

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3. The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014, as insufficient information has been submitted to demonstrate the presence, or otherwise, of protected species within the development site.

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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## **AUDIT COMMITTEE**

Minute of meeting of the Audit Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 26 June 2019 at 9.30am.

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

In Attendance: J Clark, C Irons, S Mackenzie, A O'Brien, L Simpson, S Walker and M Willis (all Corporate and Democratic Services); J Cockburn (Education and Children's Services) and F Crofts (Housing and Environment).

Apology: Councillor M Williamson.

Councillor Drysdale, Convener, Presiding.

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

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

### **355. DECLARATIONS OF INTEREST**

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

### **356. MINUTE**

The minute of meeting of the Audit Committee of 22 May 2019 (Arts. 270-279) was submitted and approved as a correct record and authorised for signature.

With regard to the Interim Management Report and Audit Status Summary (Art. 279), Councillor S Donaldson requested an update on the difference of opinion on the Loans Fund and L Simpson advised that Audit Scotland had taken legal advice which had resolved the issue and there would be no detriment to the Council. S Mackenzie confirmed that Audit Scotland had issued revised guidance to clarify points which had resolved the matter.

F Crofts advised that a training session for all Councillors was being arranged on climate change in response to Councillor W Wilson's request at the previous meeting for advice to respond to enquiries from constituents. (Art. 272)

The Convener advised that a presentation would be given to the Audit Committee on 18 September 2019 on Universal Credit when further information had become available. (Art 275 (i)(a))

Councillor S Donaldson advised that following discussion at the previous meeting he had contacted the Courts and Tribunal Service and had circulated the

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response to Committee members advising that there were no plans to introduce a Perth hearing venue for welfare rights appeals.

Councillor W Wilson suggested the Council could perhaps help facilitate accommodation for the venue if that was a problem.

The Convener thanked Councillor S Donaldson for raising the matter with the Courts and Tribunal Service and confirmed that the whole issue of Universal Credit would be discussed at the next meeting of this Committee. (Art 275(i)(a))

### **357. INTERNAL AUDIT UPDATE**

There was submitted a report by the Chief Internal Auditor (19/193) presenting a current summary of Internal Audit's work.

Councillor X McDade asked the reason why there had been nine requests for advice/guidance in a two month period compared to seven requests in the previous year. J Clark advised that services were now recognising the consultancy role that Internal Audit offer and that they were encouraging services to make contact for advice; guidance; support and assurance.

**Resolved:**

The completion of assignments since the last Audit Committee on 22 May 2019, be noted.

### **358. INTERNAL AUDIT FOLLOW UP**

There was submitted a report by the Chief Internal Auditor (19/194) presenting a summary of Internal Audit's follow up work.

In response to questions from Councillors X McDade and H Anderson, F Crofts confirmed that LEADER payments from the Scottish Government were being made to the Council and that issues with the national IT system were being resolved.

Councillor W Wilson asked for confirmation that the ResourceLink/MyView would reflect the current operational structure from 30 June 2019 and S Walker advised the deadline would not be met but he would contact services to ensure the required information was forwarded to payroll so that the system could be updated as soon as possible.

**Resolved:**

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

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**359. INTERNAL AUDIT STRATEGY AND PLAN 2019/20**

There was submitted a report by the Chief Internal Auditor (19/195) presenting the strategy for the delivery of Internal Audit and the proposed approach for the direction of planned Internal Audit work for 2019/20.

J Clark advised that a risk based Internal Audit Plan was prepared in accordance with the Public Sector Internal Audit Standards (PSIAS). The outcomes of the Best Value Review and the Health and Social Care Partnership external inspection were awaited and may influence the direction of some elements of Internal Audit activity within the year. Changes to the Risk Register would also influence the Plan.

The Convener thanked the Internal Audit Team for developing the Audit Plan with limited resources and added that a replacement was being recruited for the Senior Internal Auditor who had recently retired and that J Clark had taken on the role of Chief Internal Auditor to the Integration Joint Board for the next three years following a review of the service. He stated he was delighted with the thematic approach to the Plan which would be amended as appropriate and added that one third of staff time was spent on general activities, such as National Fraud Initiative checks; the Counter Fraud and Corruption Strategy; Continuing Professional Development; monitoring of agreed actions.

Councillor X McDade asked about progress of the Tay Cities Deal audit and J Clark advised that a collaborative approach was being taken and she was in negotiation with the other Local Authorities involved to ensure any risks were covered by the audit but the detail had not yet been agreed.

Councillor X McDade queried how Transformation projects would be audited with proposed changes for Transformation to be embedded into everyday activities rather than a separate Programme and J Clark confirmed that Internal Audit would react to the proposed changes and L Simpson added that there would continue to be a structured governance framework with reporting to the Strategic Policy and Resources or Audit Committees as necessary.

Councillor H Anderson referred to the proposed Recycling Centres audit and whether the review would consider the management of re-saleable goods from the centres or taking them elsewhere and J Clark confirmed it would look at all aspects, ensuring the protection of the staff against potential allegations of corruption/fraud.

Councillor W Wilson referred to a third of audit time being taken up with general activities and questioned if some of these activities, such as the verification of the Bus Service Operators Grant, could be undertaken every second year instead of annually to release extra resources. J Clark advised that the verification of the Bus Service Operators Grant had previously been carried out twice a year so resources had been released in reducing it to once a year and assured the Committee that the Team wanted to dedicate as much time as possible to the Plan as well as allowing time for consultancy and flexibility to respond to unplanned work.



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Councillor S Donaldson suggested the Committee should not preclude a more specific approach in audits and J Clark advised that the scope of audits varies and could be wide or very targeted, for example, the Contracting audit would focus on specific contracts but the Inclusion audit would be more wide-ranging and a future audit on the Health and Social Care Partnership would be based on the outcomes from its inspection. J Clark added that she would report back to Committee when the inspection report was available.

**Resolved:**

The Internal Audit Strategy and Plan for 2019/20, be approved.

**360. CORPORATE RISK MANAGEMENT – PROGRESS REPORT 2018-19**

There was submitted a report by the Head of Legal and Governance Services (19/196) on (i) informing the Committee of progress made in respect of implementing improvements in relation to risk management; (ii) advising the Committee of the current key strategic risks facing the Council and (iii) providing assurance as to the effectiveness of the Council's Risk Management Framework.

L Simpson advised that following approval of a report by the Strategic Policy and Resources Committee on 8 February 2017 (Report No 17/63), a new approach had been taken to risk management and actions had been taken to embed the Risk Management Framework and establish certified risk practitioners; create a risk toolkit and hold risk based workshops. L Simpson stated that risks were seldom static and the risk register was a live document which required to be regularly monitored and reviewed.

It was noted that the following programme of risk management activity was planned for 2019/20:

- (i) Assessment of risks relating to Health and Social Care Partnership and the Council's role as a statutory partner and provider of commissioned services
- (ii) Assessment of risks relating to Arm's Length External Organisations
- (iii) Review of risks in light of findings from the Council's Best Value Audit, once published
- (iv) Development Session with Audit Committee
- (v) Development Session with all elected members
- (vi) Review of the Council's Risk Appetite Statement
- (vii) Further refine the Risk Management Framework as part of the wider governance review and CIPFA Governance Mark of Excellence accreditation process

Councillor W Wilson commended the report which was set out clearly but stated there was a risk of pressure on staff, following a reduction in staff numbers, to meet the expectations of the public.

L Simpson advised that the register referred to Corporate risks which required to be mitigated by all services but if the risks also exist within services they would be addressed there. There was a general risk in relation to workforce planning and resourcing and a key aspect of workforce management was ensuring the Council

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had a suitably skilled workforce and that resources were directed to where they were needed.

Councillor X McDade referred to risk number seventeen on the register and queried the residual risk score. L Simpson advised that the scoring reflected the fact that the governance framework was currently the subject of review and advised that it would likely reduce once that work was completed.

**Resolved:**

- (i) Progress to date embedding the risk management strategy, be noted.
- (ii) The current key strategic risks identified through the risk management process, be noted.
- (iii) The assessment as to the effectiveness of the current Risk Management Framework, be noted.

**UNAUDITED DRAFT ANNUAL ACCOUNTS 2018/19**

There was submitted a report by the Head of Finance (19/197) presenting the Council's Unaudited Annual Accounts for the financial year 2018/19 in accordance with the Local Authority Accounts (Scotland) Regulations 2014 for submission to the Controller of Audit by 30 June 2019.

S Mackenzie advised members that the annual accounts had been prepared in accordance with the relevant regulations. The requirement to carry out an annual review of the effectiveness of a Local Authority's systems of internal control by elected members had been met with the approval of the Annual Governance Statement by the Scrutiny Committee on 12 June 2019. The unaudited annual accounts were being submitted to this Audit Committee prior to their submission to the external auditor, KPMG, and being made available for public inspection. The audited accounts would be submitted to the Audit Committee on 18 September 2019 prior to consideration by the Council on 25 September 2019.

The Convener thanked the Head of Finance and colleagues for the preparation of the unaudited accounts and highlighted the £1,000,000 underspend on Finance/Investment and Other due to the efforts of the Treasury Management Team and a Tayside Contracts surplus.

In response to a question from Councillor X McDade, S Mackenzie confirmed that retirement packages paid to senior officers were approved by the Strategic Policy and Resources Committee in accordance with approved procedure.

Councillor S Donaldson asked if a review of pensions, as recommended by KPMG, had been undertaken. S Mackenzie advised that a high level review was required and the Council would require to employ actuaries to undertake the review. Councillor S Donaldson referred to a list of Common Good properties to be compiled and L Simpson confirmed that the Community Empowerment (Scotland) Act 2015 required Councils to establish and maintain a list of property held as part of the Common Good. As there was currently not a list, a list was being compiled with additional resources employed over the next few months.

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Councillor X McDade asked why PPP (Public-Private Partnership) buildings were included in the accounts as assets as the Council would not own these. A O'Brien advised that internal accounting procedures required them to be included to take account of future liabilities for the buildings. Councillor X McDade suggested the Council would be better to buy out the PPP contract with a low interest loan as other Local Authorities had done. S Mackenzie advised that financial support had previously been provided for PPP contracts but they would no longer be considered the most suitable way to provide a new building. Discussions were ongoing with the Futures Trust on an appropriate model for financing large projects. He added that the cost of buying out the contracts would be significant but would look at the figures.

**Resolved:**

- (i) The Head of Finance be authorised to sign the Unaudited Annual Accounts.
- (ii) That the unsigned Audited Annual Accounts be submitted to this Committee on 18 September 2019 for approval, be noted.

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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 3 July 2019 at 10.00am.

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

In Attendance: D Littlejohn, K Smith, A Condliffe, H Donaldson, L MacLean, M Morgan, J Scott, C Stewart, L Reid and D Salman (all Housing and Environment); C Elliott, M Terava and D Williams (all Corporate and Democratic Services).

Apologies for Absence: Councillors M Barnacle and W Wilson.

Councillor R McCall, Convener, Presiding.

361. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

362. DECLARATIONS OF INTEREST

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

363. MINUTES

The minute of meeting of the Planning and Development Management Committee of 5 June 2019 (Arts. 295-299) was submitted, approved as a correct record and authorised for signature.

364. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
19/00136/FLL	3652(i)
19/00591/FLL	3652(ii)

365. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/00552/FLM - PERTH - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 11 (sustainable construction) of planning permission [15/01109/FLM](#) (Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works) – Report 19/198 – Bertha Park Limited**

Motion (Councillors R McCall and B Brawn)

Grant, subject to the following 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 permission.
Reason: To ensure that the development is carried out in accordance with the plans approved.**
- 2. Prior to the implementation of this permission, a detailed delivery plan confirming the phased delivery of the site and construction works shall be submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.
Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.**
- 3. The foul drainage serving this permission shall be drained to the mains sewerage system, the details of which shall be submitted to and approved in writing by the Planning Authority prior to its installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage details shall thereafter be implemented to coincide with the occupation of the development.
Reason: In the interests of public health and to prevent pollution.**
- 4. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment**

facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

5. Development associated with this permission shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with Scottish Environmental Protection Agency (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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement (submitted in support of planning application 15/01109/FLM). Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to bringing the associated development phase into use.
Reason: In the interests of best practise surface water management and to avoid undue risks to public safety and flood risk.
6. Development associated with this permission shall not commence until the design of all new and existing culverts/bridges and associated features (such as screens) have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Structures & Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.
Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.
7. Prior to the implementation of this permission, full details of the finalised design of the replacement pond and sustainable urban drainage system (SUDS) pond affecting this phase of the development shall be submitted for the written approval of the planning

authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

8. Prior to the implementation of this permission, details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:
- a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines and substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) Details of areas of public open space.
 - i) Details of areas for allotments.
 - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted

Reason: To ensure the implementation of satisfactory landscaping proposals which will assist in local landscape integration and in the interests of the visual amenity of the area.

- 9. Prior to the implementation of this permission, details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.**

Reason: To ensure the delivery of recreational facilities for the occupants of the development.

- 10. Prior to the implementation of this permission, a woodland management plan (covering a minimum of twenty years), including long term objectives, management responsibilities and maintenance schedules for all woodland areas within this part of the wider Bertha Park site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on implementation of the development hereby permitted unless otherwise approved in writing by the Planning Authority.**

Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.

- 11. For the avoidance of doubt, all domestic and non-domestic buildings to be erected shall deliver improvements in sustainability standards in accordance with Scottish Building Standards. The percentage of the carbon emissions reduction required is to be met through the installation and operation of low and zero-carbon generating technologies, as set out in the Development Plan.**

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Development Plan at the time.

- 12. Prior to the implementation of this permission, a detailed plan of public access across the site including phasing (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:**

- a) All existing paths, tracks & rights of way.**
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy,**

disturbance or curtilage, in relation to proposed buildings or structures.

- c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

13. No more than 750 dwellinghouses are permitted to be occupied until the Cross Tay Link Road (CTLR) Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy is agreed by the Planning Authority to constitute a 'committed project', in consultation with Transport Scotland.

For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

"The CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced".

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment (submitted with planning application 15/01109/FLM plan ref 15/01109/162) and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

14. Prior to the implementation of this permission, appropriate mitigation measures shall be agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment (submitted with planning application 15/01109/FLM, plan ref 15/01109/162) and

to ensure that the scale of development is commensurate with the infrastructure required to support the development.

15. No development associated with this permission shall be implemented until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan. Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.
16. Prior to the implementation of this permission, the detailed specification for the emergency/secondary access arrangements to be put or remain in place between the Inveralmond Bridge and Bertha Lodge, along with implementation timescales shall be submitted to and approved in writing by the Planning Authority. The approved emergency/secondary access arrangements shall be thereafter installed in accordance with the agreed timescales and/or maintained to the satisfaction of the Planning Authority. Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.
17. Prior to the completion of the development, all watercourses on the site as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015, submitted in support of planning application 15/01109/FLM) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority. Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

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- 18. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
Reason: To reduce flood risk.**
- 19. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015, submitted in support of planning application 15/01109/FLM) within the extents of the proposed development.
Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.**
- 20. Prior to the implementation of this permission, a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
Reason: In the interest of protecting environmental quality and of bio-diversity.**
- 21. Prior to the implementation of this permission, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the**

authority to stop operations or to alter construction methods should there be any works occurring which is having an adverse impact on the natural heritage. The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitably qualified and has a suitable job description and powers.

22. Prior to the implementation of this permission updated details of checking surveys for protected species or the nests of any breeding birds on the site shall be submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage (SNH). The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any

works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

23. Prior to the implementation of this permission, a biodiversity monitoring strategy shall be submitted to, and approved in writing by the Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

24. Prior to the implementation of this permission, the trees to be retained as identified in the submitted surveys (forming part of planning permission

15/01109/FLM) shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 25. Prior to the implementation of this permission, a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and maintained to the satisfaction of the Planning Authority.**

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site, including appropriate biodiversity and recreational opportunities.

- 26. Prior to the implementation of this permission, no further development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.**

Reason: To safeguard any archaeological interest of the site.

- 27. Prior to the implementation of this permission, 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. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

Reason: In the interests of the sustainable disposal of waste.

28. Prior to the implementation of this permission, a strategy to ensure noise levels within dwellinghouses are considered reasonable internally (utilising dwelling layouts and appropriate double glazing with trickle vents) shall be submitted to the Planning Authority for written approval and thereafter implemented. The strategy shall include particular focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary, beside the Inveralmond Industrial Estate.

Reason: To prevent disturbance from noise.

29. For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason: To prevent disturbance from noise and odour.

30. All plant or equipment including any ventilation system associated with operation of the commercial areas 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

31. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00 hours.

Reason: To prevent disturbance from noise.

- 32. Noise from any air source heat pump or other external residential plant 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.**
Reason: To prevent disturbance from noise.
- 33. For commercial and industrial areas 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 and that light spillage beyond the boundaries of the site is minimised.**
Reason: To prevent disturbance from lighting.
- 34. Prior to the implementation of this permission, an evaluation or clarification of the sites potential to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;**
- a) The nature, extent and type(s) of contamination on the site.**
 - b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.**
 - c) Measures to deal with contamination during construction works.**
 - d) Condition of the site on completion of decontamination measures.**
- Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.**
- 35. Prior to the completion or bringing into use any part of the development, the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.**
Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

Justification

The proposal is not considered to fully comply with the Development Plan; however, there are material considerations that justify a departure on this occasion as detailed in the Report above.

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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
6. The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.

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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, The Atrium, Glover Street, Perth.**
- 8. The applicant is advised that in terms of Sections 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 the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.**
- 9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH15GD.**
- 10. 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.**
- 11. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 12. Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.**
- 13. Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.**
- 14. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.**
- 15. Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform**

changes to abundance or locations of protected species.

- 16. The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority. To comply with the Council's approved policy on affordable housing.**
- 17. The applicant is reminded that the site is still subject of a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01112/IPM (subject of minded to approve application 18/01800/IPM). This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.**

Environmental Impact Assessment (Eia) Decision

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

- The application submitted an EIA Addendum dated April 2019. The public had the opportunity to participate in the decision making process through notification of the EIA Addendum was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser.**
- The EIA Addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The Addendum considers the conclusions reached in the 2015 Environmental Statement (ES) and the conclusions reached in 2016 through the Supplementary Environmental Information (SEI) which were lodged in advance of determination of the original detailed permission. The following topics were covered in relation to the proposed amendment:**
 - Landscape/Townscape and Visual Assessment**
 - Traffic and Transport**
 - Air Quality**
 - Noise and vibration**
 - Nature Conservation and Ecology**

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- **Socio-Economic and Tourism**
- **Ground Conditions, Drainage and Flood Risk**
- **Archaeology and Cultural Heritage**
- **Cumulative Effects.**
- **The Addendum concludes that through the proposed amendment of the affected planning Condition 11, there would be no substantive effect on the conclusions reached through the 2015 ES or 2016 SEI.**
- **The Planning Authority is satisfied that the EIA Addendum is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.**
- **The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the original proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development.**
- **In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions and ongoing S75 control, the proposal is acceptable and can be approved.**

Amendment (Councillors R Watters and E Drysdale)

Defer for further information on the Local Development Plan 2 examination report and how it may affect the application.

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

6 members voted for the Motion as follows:

Councillors B Brawn, H Coates, A Jarvis, R McCall, L Simpson and W Robertson

5 members voted for the Amendment as follows:

Councillors H Anderson, B Band, E Drysdale, T Gray and R Watters.

Resolved:

In accordance with the Motion.

(2) Local Applications

- (i) 19/00136/FLL - DUNNING - Alterations to site layout, siting of 11 additional caravans, formation of landscaping and associated works (in part retrospect), Lochmanor Lodge Estate, Dunning, Perth PH2 0QN – Report 19/199 – Lochmanor Holiday Lodge Park**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.
Reason: In order to clarify the terms of the permission; to control and restrict the use of the units.
3. Prior to the occupation of any further units the new sewage treatment plant shall be installed to the satisfaction of the Council as Planning Authority
Reason: To ensure the system is installed.
4. Prior to the commencement of any further development on the site a detailed landscaping and planting scheme for the two concrete bases not to be developed on the southern boundary 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 next planting season (October to March). The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

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5. The landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the date of this decision notice. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

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

Permission shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed or the required contribution has been paid upfront.

The contributions shall be paid within 28 days or the 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 having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

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. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. An application for Building Warrant may be required.
4. The applicant should be advised that the caravans are required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to the Environmental Health if planning consent is approved.
5. 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.

(ii) 19/00591/FLL - INCHTURE – Erection of a garden building, Asgiobal, Inchture, Perth, PH14 9RN – Report 19/200 – Mr G Hart

Ms Barnett, objector to the application, followed by Mr and Mrs Hart, applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. The development hereby approved shall be used solely for purposes ancillary to the domestic enjoyment of the dwellinghouse and shall not be sold, let or occupied separately 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. 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

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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.

(iii) 19/00657/FLL - ABERFELDY - Alterations to street layout including hard landscaping, soft landscaping, street furniture, car parking and associated works, The Square, Aberfeldy – Report 19/201 – Perth and Kinross Council

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents
2. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that conforms to requirements to meet the Obtrusive Light Limitations for exterior Lighting Installations for Environmental Zone –E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.
Reason: In the interest of protecting the visual and residential amenity of the area.
3. Prior to the commencement of the development hereby approved, final details of the type of benches to be sited (illuminated or not), litter bins and the information board, shall submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.
Reason: In the interest of protecting the visual amenity of the area.
4. Prior to the commencement of the development hereby approved, details shall be submitted for the further written agreement of the Council as Planning Authority, (in consultation with the Roads Authority) of a Construction Traffic Management Scheme and a Site access management plan. Thereafter, the approved schemes

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

Reason: In order to co-ordinate traffic movements associated with the construction phase during the construction.

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. 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 and at <http://shop.bgs.ac.uk/georeports/>.

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PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
11 JULY 2019

## **LICENSING COMMITTEE**

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 11 July 2019 at 10.00am.

Present: Councillors C Ahern (Convener), D Illingworth, K Baird, B Brawn, R Brock, A Coates, I James and A Parrott.

In Attendance: PC L Gregge and Sgt I Taylor (both Police Scotland); K Stevens (Housing & Environment); M McLaren, D Merchant, S Michie and L Brown (all Corporate and Democratic Services).

Apologies for Absence: Councillors A Jarvis, J Rebbeck, F Sarwar, R Watters and M Williamson.

Councillor C Ahern, Convener, Presiding.

### **366. WELCOME AND APOLOGIES**

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

### **367. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct Councillor A Coates declared a non-financial interest in Art. 371.

### **368. MINUTES**

The Minute of Meeting of the Licensing Committee of 16 May 2019 was submitted and approved as a correct record.

### **369. NOTIFICATION OF PUBLIC PROCESSION – 18 AUGUST 2019**

There was submitted a report by the Head of Legal and Governance Services (19/202) regarding notice of a proposed public procession in Dunkeld on 18 August 2019 at 1.00pm received from Mr D Walters of Col Cleland Memorial District No 65 together with (1) letters of objection from Mr J Ferguson dated 4 June 2019, Mr J Irvine dated 4 June 2019, Ms A Irvine dated 11 June 2019, Mr J Gilruth dated 15 June 2019 and anonymous objection dated 20 June 2019, (2) email dated 29 May 2019 from Police Scotland, (3) email of 24 June 2019 from the Environment Service of Perth and Kinross Council, (4) risk assessment for the proposed procession, (5) public procession conditions and (6) public procession code of conduct.

Mr J Gilruth, an objector, addressed the Committee and answered Members' questions. Mr D Walters of Col Cleland Memorial District No 65 addressed the

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

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

The notification of public procession as received be accepted together with the Public Procession Conditions and Public Processions Code of Conduct as detailed in appendices 10 and 11 to Report 19/202.

**370. NEW LICENSING REQUIREMENTS FOR MOBILE HOME SITES WITH PERMANENT RESIDENTS**

There was submitted a report by the Depute Director (Housing & Environment) (19/203) advising of the new licensing requirements for mobile home sites with permanent residents and seeking approval of the arrangements for the assessment, charging and administration of the licensing scheme in accordance with the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016.

**Resolved:**

- (i) The new licensing requirements for mobile homes with permanent residents and the proposed licensing process which includes additional financial and resource pressures be noted.
- (ii) The Licensing Conditions as detailed in Appendix 2 of Report 19/203 be approved subject to amendments to conditions 23, 25 and 37.
- (iii) The Licensing Committee to determine applications as detailed in Section 2.1 and Appendix 3 to report 19/203.
- (iv) The Licence fees for the Scheme of Charges as set out in Appendix 4 be approved subject to noting the figures in Table 1, Line 2, Columns 2 and 3 are as follows:

Column 2 - £550-£1000;  
Column 3 - £440-800.

COUNCILLOR A COATES LEFT THE MEETING AT THIS POINT

**IT WAS AGREED 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.**

**371. RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1520**

There was submitted a report by the Head of Legal and Governance Services (19/204) together with letters of objection dated 11 June 2019 and 22 October 2018 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1520.

The applicant was in attendance.

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The representatives of Police Scotland addressed the Committee and answered Members' questions.

The applicant addressed the Committee and answered Members' questions.

**Resolved:**

Application for Taxi/Private Hire Car Driver's Licence No. TD1520 be deferred to the meeting of the Licensing Committee on 3 October 2019.

COUNCILLOR A COATES RETURNED TO THE MEETING AT THIS POINT.

**372. GRANT OF STREET TRADER LICENCE ST382**

There was submitted a report by the Head of Legal and Governance Services (19/205) together with letter of representation dated 17 April 2019 from Police Scotland regarding grant of Street Trader Licence No. ST382.

The licence holder failed to attend.

**Resolved:**

Application for grant of Street Trader Licence No. ST382 be deferred to the meeting of the Licensing Committee on 22 August 2019 in order that the licence holder might appear before the Committee in person.

**373. RENEWAL OF A SECOND HAND DEALER'S LICENCE SD456**

There was submitted a report by the Head of Legal and Governance Services (19/206) together with (1) email objection received from Mr P Linklater dated 29 April 2019, (2) further objection from Mr Linklater and supplementary paperwork dated 9 and 13 May 2019, (3) undated letter and supporting documents from the applicant, and (4) letters of support for the applicant regarding renewal of second hand dealer's licence SD456.

Mr P Linklater, an objector, addressed the Committee and answered Members' questions.

The applicant, Mrs Adamson, was in attendance, addressed the Committee and answered Members' questions.

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED

**Resolved:**

Application for renewal of second hand dealer's licence SD456 be granted for a period of 1 year with effect from 11 July 2019.

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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 23 July 2019 at 10.30am.

Present: Councillors L Simpson, H Anderson and B Brawn.

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

Also Attending: K Smith, C Brien and E Jordan (Housing and Environment); M Terava (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

374. DECLARATIONS OF INTEREST

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

375. MINUTES

The minute of meeting of the Local Review Body of 25 June 2019 (Arts. 351-353) was submitted and noted.

376. APPLICATION FOR REVIEW

- (i) **TCP/11/16(600)**
Planning Application – 18/02264/FLL – Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), The Steading, Inchcoonans, Errol – Munro Estates Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) at The Steading, Inchcoonans, Errol.

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 majority decision that:

- (ii) the Review application for a change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) at The Steading, Inchcoonans, Errol, be refused for the following reasons:
 - 1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site. The use should be directed to a zoned industrial estate.
 - 2. There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability of the proposal against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

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:

- (i) Councillor Simpson agreed with the appointed officer's third reason for refusal relating to the loss of agricultural land but he was supported by Councillor Anderson in respect of the first two reasons for refusal only.
 - (ii) Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for a change of use of land and building be granted. Whilst accepting that the proposal was contrary to the Development Plan, he considered that, taking economic benefits into account, the proposal would be acceptable in this location subject to further information on drainage and the imposition of relevant conditions.
- (ii) **TCP/11/16(603)**
Planning Application – 18/02241/IPL - Erection of a dwellinghouse (in principle), land 20 metres north of 33 Holding, Northbank, Longforgan – Mr R Dalley

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 20 metres north of 33 Holding, Northbank, Longforgan.

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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 the erection of a dwellinghouse (in principle), land 20 metres north of 33 Holding, Northbank, Longforgan, 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 its associated supplementary guidance. The proposal does not comply with any of the categories of development contained within the policy and guidance. In particular it is contrary to the Building Groups section of the policy and guide. The proposal would not respect the surrounding layout and building pattern of the group, would detract from existing residential amenity and lead to over development of the area.
 - 2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as development of this site would not contribute positively to the quality of the surrounding built and natural environment. In addition the density and backland nature of the development would not respect the character and amenity of the place.

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(604)**
Planning Application – 19/00024/IPL – Residential development (in principle), land 60 metres north of Lizal, St Martins – RJM Partners

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle), land 60 metres north of Lizal, St Martins.

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 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 a residential development (in principle), land 60 metres north of Lizal, St Martins, be refused for the following reason:
 - 1. 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 as the proposal fails to comply with category (1) Building Groups as the proposed site is physically and visually separate from the existing group of buildings to the north and development on the site would adversely affect the rural character of the area. Furthermore the proposal is located outwith the nucleated and well defined existing building groups, has no defined topography or well established landscape features on its western boundary and extending development will contribute to the creation of ribbon development along the public road. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

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(605)**
Planning Application – 19/00503/FLL - Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP – Morris Leslie Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP.

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 submit further information on the prospective scheme of landscaping referred to in the applicant's Notice of Review submission together also with the proposed structural landscaping of the entire existing and proposed building group at South Inchmichael Farm which would be served by the proposed access;
- (iii) following the receipt of further information, the application be brought back to the Local Review Body.

**(v) TCP/11/16(606)
Planning Application – 18/01802/FLL - Erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchtute – Mr R Morgan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, 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 the erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchtute, 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, in addition to the Council's Housing in the Countryside Supplementary Guidance 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location. There are no existing definable site boundaries, either in terms of topography or well established landscape features, on the eastern or northern boundaries; therefore the proposal does not meet the

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- requirements of criterion (a) building groups, as an extension of a building group.
2. The proposal is contrary to Policy HE2 'Listed Buildings', of the Perth and Kinross Local Development Plan 2014, as the proposal will negatively impact upon the setting of the adjacent listed buildings (Easter Ballindean and Ballindean West Lodge), notably when viewed from the public road to the south due to its more elevated position.

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(607)
Planning Application – 18/02103/FLL - Extension to
dwellinghouse, The Lodge, Balruddery, Invergowrie, Dundee, DD2
5LH – Jaspar Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, The Lodge, Balruddery, Invergowrie, Dundee, DD2 5LH.

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 an extension to dwellinghouse, The Lodge, Balruddery, Invergowrie, Dundee, DD2 5LH, be refused for the following reasons:
1. Insufficient details have been submitted to verify that decontamination measures have been implemented or that anything in this regard has been submitted to the Planning Authority in respect of Condition 4 of planning application 13/02219/AML. As a consequence a full and complete assessment cannot be undertaken for this current application, against the Perth and Kinross Local Development Plan, in particular Policy EP12.
 2. Insufficient details have been submitted to demonstrate fully that existing private water supply(s)/infrastructure, which currently serves existing residential properties, would not be adversely affected by the operation of the

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swimming pool. The proposal therefore has the potential to adversely affect the residential amenity enjoyed by the occupier(s) of the existing properties by virtue of potentially compromising their private water supply(s). As a consequence a full and complete assessment cannot be undertaken for this current application, against the Perth and Kinross Local Development Plan, in particular Policy PM1A.

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 considered that the application should be deferred for further information on decontamination.

(vii) TCP/11/16(608)
Planning Application – 19/00098/FLL – Alterations to dwellinghouse (in retrospect), 41 King Street, Perth – Mr I Evans

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse (in retrospect), 41 King Street, Perth.

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 refuse alterations to dwellinghouse (in retrospect), 41 King Street, Perth, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives.

Justification

Whilst accepting that the proposal was contrary to the Development Plan, members considered that, due to the tightly enclosed nature of the elevation facing into a private courtyard, the improvement works undertaken and noting similar developments within Conservation Area, the proposal would be acceptable in this instance.

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(viii) TCP/11/16(609)
Planning Application – 19/00630/FLL - Erection of a shed,
10 Kinmond Drive, Perth, PH2 0TG – Mr P Dix

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a shed, 10 Kinmond Drive, Perth, PH2 0TG.

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 the erection of a shed, 10 Kinmond Drive, Perth, PH2 0TG, be refused for the following reason:
 - 1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the existing dwellinghouse, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1 (c) of the Perth and Kinross Local Development Plan 2014.

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 considered that the Appointed Officer's decision should be overturned and permission for erection of a shed be granted, subject to relevant condition on the size of the shed. He considered that the location of the proposal, within the applicant's private garden ground, would be acceptable, also noting that the shed could be removed should the property change ownership.

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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 31 July 2019 at 10.00am.

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

In Attendance:, K Smith, A Condliffe, J Scott, J Williamson, A Rennie, L Reid, D Salman, (all Housing and Environment); C Elliott and D Williams (both Corporate and Democratic Services).

Apologies for Absence: Councillors H Anderson, H Coates and A Jarvis.

Councillor R McCall, Convener, Presiding.

### **377. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **378. DECLARATIONS OF INTEREST**

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

### **. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 3 July 2019 (Arts. 361-365) was submitted, approved as a correct record and authorised for signature.

### **379. DEPUTATIONS**

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

| <b>Planning Application No.</b> | <b>Art. No.</b> |
|---------------------------------|-----------------|
| 18/02123/MWM                    | 380(1)(i)       |
| 18/00859/FLL                    | 380(2)(i)       |
| 18/01016/FLL                    | 380(2)(ii)      |
| 19/00559/CON                    | 380(2)(iii)     |
| 19/00558/FLL                    | 380(2)(iv)      |

**380. APPLICATIONS FOR DETERMINATION**

**(1) Major Application**

- (i) 18/01892/AMM - Auchterarder - Erection of 60 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 2), land at Castlemains Farm, Auchterarder – Report 19/207 – Muir Homes**

Mr J Scott, Team Leader, advised members that in paragraph 97 on page 41 the condition referred to should be Condition 14 and not 15.

**Resolved:**

**Grant**, subject to the following conditions and informatives, including the updates provided by planning:

**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 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) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) 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;
  - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

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- g) 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;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- 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: To mitigate any adverse impact of development traffic on the safe and surrounding road network during construction.

3. 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 promoting and securing sustainable means of travel relating to the development and surrounding land uses.

4. Prior to the development hereby approved being completed or brought into use, street lighting provision to a design and specification according with (BS 5489-1:2013) shall be submitted to the Planning Authority for further written approval. The lighting scheme as approved shall thereafter be completed in line with the roads construction consent.

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

5. No removal of vegetation, including trees and shrubs will be permitted between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority for approval prior to commencement of works.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any

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protected species as identified under the Wildlife and Countryside Act (1981).

6. The conclusions and recommended action points within the supporting Biodiversity Management Plan 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 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).

7. 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.

8. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.

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. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species 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 and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

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; to ensure a satisfactory standard of local environmental quality.

11. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element



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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'.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

12. 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 the interests of public health and to prevent noise pollution.

13. The commitments and recommended action points within the supporting Construction Environment Management Document (plan 18/01892/50) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. The approved document will remain live and subject to further review and update at the Planning Authority written request.

Reason: In the interest of protecting environmental quality and existing residential amenity.

14. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

### **Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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.

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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. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
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 is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk

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Guidance Document (June 2014)', or any subsequent update.

10. The applicant is advised that they shall continue to keep the Councils Structures and Flooding team updated with regards to their application to Scottish Water for the proposed sewer diversion and connection of identified plots (31-40) to this Scottish Water asset.
11. 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.
12. No work shall be commenced until an application for building warrant has been submitted and approved.
13. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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
14. 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 permission for a development does not provide a defence against prosecution under this act.
15. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
16. The applicant is reminded 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.
17. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

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18. In the interests of neighbouring residential amenity, the applicant is requested to restrict construction work to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

**(ii) 18/02123/MWM - Almondbank - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify conditions 2 (expiry), 3 (phasing), 17 (extraction rate) and 28 (noise) of planning permission 98/00710/FUL (winning and working of minerals), Loanleven Quarry, Almondbank – Report 19/208 – Cemex UK Operations Ltd**

A Condliffe, Team Leader, advised that updated conditions were circulated to members prior to the meeting.

Mr Murphy, on behalf of the applicant, answered members questions.

**Grant**, subject to the following amended conditions and informatives:

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 sand and gravel extraction shall be completed by 24 August 2034.  
Reason: In accordance with the terms of the application and in order for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.
3. The development, including the extraction of sand and gravel, the construction and seeding of bunds, and the subsequent restoration to agriculture shall be implemented in accordance with the scheme of phasing shown on drawings Figures 2-1 to 2-9 of the EIA Report by CEMEX Ltd. dated November 2018.  
Reason: In the interests of visual and residential amenity.
4. No more than one phase or sub-phase shall be worked at any one time.  
Reason: In the interests of visual and residential amenity.
5. The areas already worked shall be restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction has ceased.  
Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

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6. Land awaiting extraction shall remain in agricultural use at least six months before it is required for extraction.  
Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.
7. The conveyor shall be maintained in accordance with drawing titled Proposed Layout of Conveyor (Appendix 2-2 of EIA Report) and shall thereafter be decommissioned during the final restoration phase of the development.  
Reason: In the interests of residential amenity.
8. The conveyor shall be used for all excavated material leaving the site for processing or any other purpose and none shall leave by road.  
Reason: In the interests of residential amenity.
9. The hours of operation shall be restricted to between 0700 hours and 1800 hours Monday to Friday; 0800 hours and 1300 hours on Saturdays, with no working permitted on Sundays.  
Reason: In the interests of residential amenity.
10. Top-soil and sub-soil stripping and subsequent re-spreading shall be undertaken in accordance with a specification to be agreed with the Scottish Government and to the satisfaction of the Planning Authority.  
Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.
11. The site shall be adequately drained at all times so as to prevent flooding or water seepage to adjacent agricultural land. No effluent shall be discharged to any adjacent watercourse.  
Reason: In order to protect watercourses and water quality.
12. The surface water level of Methven Loch shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.  
Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.
13. Other than material awaiting transfer by conveyor, no stockpiling of sand and gravel shall take place within the extraction site. In the event of a breakdown of the conveyor, no more than two days of stockpiling shall take place. On resumption of the conveyor, the stockpile shall be removed.  
Reason: In the interests of visual amenity and landscape quality.
14. Mitigation measures submitted as part of the EIA Report by CEMEX Ltd. dated November 2018 shall be fully implemented. throughout the duration of the permitted works to the satisfaction of the Council as Planning Authority.

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Reason: To ensure environmental impacts are satisfactorily mitigated.

15. Within two months of this consent, updated details of all temporary buildings erected on site shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of residential and visual amenity.

16. There shall be no artificial lighting in the extraction areas with the exception of vehicle headlights and internal lighting within temporary buildings.

Reason: In the interests of residential amenity.

17. A record of the quantity of materials leaving the plant site shall be submitted annually to the Planning Authority. For the avoidance of doubt the rate of extraction shall not exceed 200,000 tonnes per annum.

Reason: In order for the Planning Authority to maintain control and in the interests of visual and residential amenity.

18. With two months of the date of this permission an updated plan of the proposed restoration profiles compared to the maximum groundwater level shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. For the avoidance of doubt all excavations shall be above the maximum groundwater level.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

19. The groundwater levels shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

20. On completion of excavation work, all processing plant and buildings shall be removed and the land restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction on the site has ceased.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

21. The approved restoration and aftercare scheme, contained within Appendix 2-3 of the EIA Report by CEMEX Ltd. dated November 2018, shall be implemented to the satisfaction of the Planning Authority no later than twelve months after extraction on the site has ceased on 24 August 2034.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

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22. The approved excavation area shall be adequately secured at all times to prevent access by the public.  
Reason: In the interests of public safety.
23. Within six months of the date of this permission, a Water Monitoring and Management Plan shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. The agreed actions shall be implemented throughout the duration of the permitted works.  
Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.
24. Within two months of this permission, a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment & machinery, number of vehicle movements, times of any deliveries to and from the site etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.  
Reason: In the interests of residential amenity.
25. In the event of a justified noise complaint being received by the Council the operator shall, at the request of the planning authority, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 28. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with the noise conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.  
Reason: In the interests of residential amenity.
26. Within two months of this permission, a Dust Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include measures to minimise dust from quarry operations and detail how dust from the process will be adequately controlled to keep fugitive emissions to a minimum. The plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the

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planning authority. Once the Dust Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

27. In the event of a justified dust complaint being received by the Council the operator shall at the request of the Planning Authority arrange for dust assessment and monitoring to be carried out by a competent person. The methodology for the assessment shall be agreed in writing with the planning authority prior to it being undertaken. The assessment shall detail any necessary steps and measures that will be put in place to reduce dust to an acceptable level. It shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

28. Except for temporary operations, the free-field equivalent continuous noise level LAeq,T at any noise sensitive premises due to operations in the site shall not exceed the LAeq, 1 hour criterion levels tabulated as follows (measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects):-

| <u>Location</u>            | <u>Criterion LAeq</u> |
|----------------------------|-----------------------|
| Lochend Cottage            | 48                    |
| 37 Admiralty Wood          | 50                    |
| 2 Lochty Park              | 55                    |
| Wildwood (rear garden)     | 51                    |
| Loanleven Farm             | 48                    |
| Easter Powside             | 48                    |
| Dwellings at Quarry Access | 54                    |

Reason: In the interests of residential amenity.

29. For temporary operations including site preparation, soil and overburden stripping, bund formation and removal, and restoration, the noise level at the nearest point to the noise sensitive properties shall not exceed 70LAeq expressed in the same manner as Condition 28. Temporary operations shall not exceed a total of six weeks per annum for work within 200 metres of the noise sensitive properties mentioned at Condition 28.

Reason: In the interests of residential amenity.

30. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity.

31. The detailed landscaping and replanting scheme which is hereby approved shall be implemented as part of the site restoration programme and thereafter maintained.

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



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32. Concurrent with development on site, all trees on site 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 local environmental quality.
33. Within two months of this permission detailed specification of the 2 metre high bund/barrier to the western boundary of the site shall be submitted for the written approval of the Planning Authority. This shall demonstrate that resultant noise levels at Loanleven Farmhouse and Loanleven Farm Cottage will comply with Condition 28. Once approved, the bund/barrier will be installed prior to the development commencing on Phase 2.  
Reason: In the interests of residential amenity.
34. Prior to the commencement of the development of Phase 4A, protective fencing shall be erected a minimum of 20 metres around LoanLeven Enclosure Scheduled Monument (SM8755) in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside the fencing.  
Reason: To protect known archaeology and Scheduled Monuments in area.
35. The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Council as Planning Authority and shall allow them to observe work in progress and record items of interest and finds. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.  
Reason: To protect known archaeology in the area.
36. Within two months of this permission, the width of the access shall be at least 7.3 metres wide for a distance of 25 metres measured back from the nearside of the Trunk Road.  
Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

**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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**Procedural Notes**

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond has been completed and signed. The 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 with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

**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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. 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.
5. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act

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under the Habitats Regulations and penalties are severe for non-compliance.

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. Boreholes that have no further use should be appropriately decommissioned please refer to SEPAs [guidance](#) on this.
8. According to records, the development proposals impact on existing Scottish Water. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).
9. A Section 75 legal agreement will be required to deal with the financial bond for decommissioning, restoration and aftercare following cessation of extraction.

**Environmental Impact Assessment (EIA) Decision**

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted and EIA Report dated November 2018. The public had opportunity to participate in the decision making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection in Part 1 of our register at our offices.
3. The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:
  - Methven Woods Site of Special Scientific Interest (SSSI);
  - River Tay Special Area of Conservation (SAC)
  - Archaeology including Scheduled Monument of Loanleven Enclosure;
  - A Listed Methven Castle Garden and Designed Landscape;
  - Air Quality including Dust
  - Noise

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4. The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;
  - Protection of Methven Woods SSSI
  - Protection of River Tay SAC
  - Protection of Loanleven Enclosure Scheduled Monument
  - Protection of A Listed Methven Castle and its GDL
  - Air Quality Mitigation
  - Dust Management Plan
  - Noise Management Plan
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 10, 12, 14, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35, as set out herein, the proposal is acceptable and can be approved.

**(2) Local Applications**

- (i) 18/00859/FLL - Guildtown - Alterations to vehicular access (revised design), land north of Hall Road, Guildtown – Report 19/209 – A and J Stephen Ltd**

Councillor C Stewart, Local Member, followed by Mr Stephen, on behalf of the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

**Motion (Councillors R McCall and D Doogan)**

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

**Conditions**

1. **The development hereby approved must be carried out in accordance with the approved drawings and**

**documents, unless otherwise provided for by conditions imposed by this decision notice.**

**Reason: To ensure the development is carried out in accordance with the approved drawings and documents.**

- 2. Prior to the road being brought into use, details of a traffic flow priority system shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall after be implemented in full at all times.**

**Reason: In the interest of road and pedestrian safety.**

- 3. Prior to any further development commencement occurring in relation to the wider development, details of the proposed construction traffic routes and the timing of the use of Hall Road for both construction purposes and residents shall be submitted for the further written agreement of the Council as Planning Authority. The details must not include the public use of Hall Road in advance of the connection with Northfield Road being available for use. The details approved shall be adhered to in full.**

**Reason: In the interest of road and pedestrian safety.**

- 4. Core path BURR/138 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions of the core path (including signage) shall be submitted for the further written agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.**

**Reason: In order to ensure that public access is maintained at all times**

- 5. Prior to the commencement of the development a construction management plan shall be submitted for the further written agreement of the Council as Planning Authority. The plan must include details to ensure that the potential for pollution to occur to the adjacent watercourse is minimised and controlled. The approved plan shall thereafter be implemented in full.**

**Reason: In order to ensure that the adjacent water course is not adversely affected by the development proposed.**

**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. 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.**
- 5. Prior to the development commencing, the applicant must contact SEPA in relation to the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).**

**Amendment (Councillors L Simpson and W Wilson)**

**Defer for further information on (i) flooding, with particular reference to SEPA's position, and (ii) further information on traffic calming measures and signage.**

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Having left, and subsequently returned to, the meeting during the consideration of this item, Councillor E Drysdale was ineligible to take part in the vote.

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

6 members voted for the Motion as follows:

Councillors B Band, B Brawn, D Doogan, T Gray, R McCall and R Watters.

4 members voted for the Amendment as follows:

Councillors M Barnacle, I James, L Simpson and W Wilson.

**Resolved:**

In accordance with the Motion.

- (ii) **18/01016/FLL - Abernethy - Alterations and extension to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of an access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works, Branston Ltd, Back Dykes, Abernethy – Report 19/210 – Branston Ltd**

Mrs A Condliffe, Team Leader, advised the Committee that recommended condition 18 on page 136 should be amended in line 4 to refer to condition 17.

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

**Resolved:**

**Grant**, subject to the following amended 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, a detailed landscaping and planting scheme for the site and a schedule for delivery 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

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including materials and installation methods and, species, height, size and density of trees and shrubs to be planted and any existing planting to be retained. 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; to ensure a satisfactory standard of local environmental quality.

3. 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; to ensure a satisfactory standard of local environmental quality.

4. The potato box storage area located adjacent to the eastern boundary of the site shall be limited to a maximum height of three boxes high at all times.

Reason: In the interests of visual and residential amenity.

5. Prior to the installation of any external lighting, the details of all new external lighting associated with the development hereby approved shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

6. Prior to the development hereby approved being completed or brought into use, the re-modelled eastern access hereby approved shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type D Figure 5.7 access detail, of Type B Road construction detail.

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

7. Prior to the development hereby approved being completed or brought into use, provision of new footway to the satisfaction of Perth & Kinross Council as Road Authority shall be provided from the proposed new vehicular access eastwards along the A913 connecting into the existing footway.



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

8. Development shall not commence on site until an intrusive investigation is undertaken in accordance with the recommendations contained within the Geo Environmental Desk Study undertaken by IKD, dated April 2018 (doc ref:18/01016/25).  
The intrusive investigation shall include the following:
- 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.

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

9. 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.

10. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

11. Prior to the commencement of any development on site the exact location of the existing culverted watercourse running through the eastern part shall be submitted to the Council. If the culvert requires to be diverted then a suitable diversion design shall be prepared and submitted

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to and approved in writing by Council as Planning Authority in consultation with SEPA. The diversion of the culvert shall be undertaken as part of the site development and thereafter maintained.

Reason: To ensure appropriate diversion of the culvert on site.

12. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. 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. The TP as agreed shall be adhered to during operation of the site.

Reason: To encourage the use of sustainable modes of transport.

13. 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 hereby granted permission. 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 and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, in writing shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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

14. 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 is cleared and provided written confirmation that no birds will be 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 and

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agreed in writing with the Planning Authority prior to the commencement of any development.

Reason: To protect breeding birds and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

15. 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 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).

16. 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.

17. The following noise mitigation measures shall be implemented and completed in full by 31st December 2019 all to the satisfaction of the Council as Planning Authority. All acoustic fencing shall accord with the details provided in drawing 18/01016/47.

Re-siting of sizing hall heater from north west side of sizing hall to north side of main building (Noise source S11 Figure A7.1 and A7.2 of NIA)

Erection of 3m high acoustic barrier on part of southern boundary of site adjacent to NSRs 1, 2 and 3 (in

accordance Figure A7.2 of NIA and drawing 18/01016/50)

Erection of a 2m high acoustic barrier on the north west boundary of the site (Figure A7.2 of NIA)

Erection of 1.8m high acoustic barrier to southern edge of despatch hall (Figure A7.2 of NIA)

The above mitigation measures shall be retained for the life of the development other than the 1.8m high acoustic barrier on the southern edge of the despatch hall which may be removed following the implementation of the acoustic mitigation measures referred to in condition 18.

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

18. Prior to the commencement of any development on the new eastern access into the site hereby approved, the

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- 3m high acoustic barrier fencing and bunding on the remainder of the southern boundary of the site, other than that referred to in condition 17, shall be erected in full. The acoustic fencing shall accord with the details provided in approved drawings 18/01016/41, 18/01016/42, 18/01016/47 and Figure A7.3 of the NIA. The acoustic barrier shall be retained in perpetuity.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
19. Prior to the commencement of any development on the new intake extension building hereby approved, the 3m high acoustic barrier to the north of the existing office building as outlined in Figure A7.3 of the NIA shall be erected in full. The acoustic fencing shall accord with the details provided in approved drawings 18/01016/42, 18/01016/47 and Figure A7.3 of the NIA. The acoustic barrier shall be retained in perpetuity.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
20. All new industrial/service buildings hereby approved shall be constructed strictly in accordance with the build specification set out in section 11.1 (point 6) of the New Acoustic Report dated 28th March 2019 (doc ref:18/01016/53). The composite panelling of those industrial/service buildings shall be of a sound reduction index of at least Rw48db all to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
21. The fuel delivery station hereby approved shall be fitted with silent running pumps to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
22. Between the hours of 2100hrs and 0800hrs daily, all stored refrigerated trailers parked in the despatch area trailer park shall rely solely on electric hook up points to power refrigerated trailers. For stored trailers no diesel fridges are permitted to be used during this time.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
23. All doors on new buildings shall be automated self-closing doors to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
24. Prior to the development hereby approved being brought into use, a tarmacadam finish shall be applied to the new service road, existing access and the re-opened eastern

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access to the satisfaction of the Council as Planning Authority.

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

25. The mitigation and operational controls for the development as outlined in the Noise Management Plan (NMP) hereby approved (doc ref:18/01016/54) shall be strictly adhered to during the operation of the site to the satisfaction of the Council as Planning Authority. This NMP shall be a fluid document which shall be updated to reflect any changes to the operation of the site and to address any substantiated concerns expressed by the local community regarding the operation of the site and/or identified as a result of the requirements of conditions 28 and 29 of this permission. The details, as approved, in writing shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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

26. Noise levels shall be limited to an internal night time target noise level of 42 dB LAFmax at all Noise Sensitive Receptors (NSR) other than Noise Sensitive Receptor 1 where noise levels shall be limited to an internal night time target noise level of 45dB LAFmax.

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

27. All new plant or equipment within the development hereby approved shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

28. Prior to the commencement of any development on the new eastern access into the site and prior to the commencement of any development on the new intake extension building hereby approved, a written scheme for monitoring noise generated during the operational phase of the development shall be submitted to and approved in writing by the Planning Authority. 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 26 above. The monitoring programme as agreed in writing will be subject to annual review to establish the frequency of noise monitoring and

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the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 26 above, operations responsible for the breach 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 and included within an updated Noise Management Plan.

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

29. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with condition 26 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with condition 26, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales and included within an updated Noise Management Plan.

Reason: In the interests of residential 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.

**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.

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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. The applicant is advised that in terms of Sections 56 of the Road (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 is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
8. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - 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.

**(iii) 19/00559/CON - Demolition of building, former Lomond Hotel, Main Street, Kinnesswood – Report 19/211 – Lime Blue Design Build**

Mr Mitchell, on behalf of the applicant, answered members questions.

**Resolved:**

**Grant**, subject to the following conditions and informatives, including amended condition 3:

**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 commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.  
Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.
3. Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates and stone on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates and stone shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.  
Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.
4. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for



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Scotland and in the Perth and Kinross Historic  
Environment Record upon completion of the survey.  
Reason: To ensure a survey of the demolished historic  
building is undertaken in accordance with best practise.

**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 Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.
2. No work shall be commenced until an application for building warrant has been submitted and approved.

**(iv) 19/00558/FLL - Erection of a dwellinghouse and garage, land 40 metres north west of Bonaly Cottage, Main Street, Kinnesswood – Report 19/212 – Lime Blue Design Build**

J Scott, Team Leader, advised members that in paragraph 76 of Report 19/212, the condition referred to should be Condition 12 and 13, not 11 and 12.

Mr Mitchell, on behalf of the applicant, answered members questions.

**Resolved:**

**Grant**, subject to the following amended 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 and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow

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3. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
4. Prior to the commencement of any development full details of a bin presentation area close to Main Street shall be submitted to and approved in writing by the Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.  
Reason: In order to ensure adequate servicing facilities are provided.
5. Prior to the commencement of any development a sample of the proposed render finish and window bands, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
6. Prior to the commencement of any development on site, full details, including a scaled elevation of the re-built 1.2m high natural stone boundary wall on the north eastern side of the site shall be submitted to and approved in writing by the Planning Authority. The wall detail, as agreed in writing, 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.
7. 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.
8. Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates and stone on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning

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Authority. The slates and stone shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

9. The rainwater goods on the development hereby approved shall be cast iron, painted black, to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

10. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- i. the nature, extent and type(s) of contamination on the site;
- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed;
- iii. measures to deal with contamination during construction works; and
- iv. condition of the site on completion of decontamination measures.

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

11. 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.

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

12. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason: To reduce the risk of disturbing any bats present within the buildings

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

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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 the interests of protecting environmental quality and of biodiversity.

14. Prior to the commencement of any development full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to the plot. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is 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.

**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. 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.

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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. No work shall commence on site until consent has been granted for the associated Conservation Area Consent application for the demolition of buildings (Ref: 19/00559/CON).
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 permission for a development does not provide a defence against prosecution under this act.

Having left, and subsequently returned to the meeting during the consideration of this item, Councillor I James was ineligible to take part in this decision.

**(v) 19/00693/FLL - Pitlochry - Alterations and extension to hotel, McKays Hotel, 138-144 Atholl Road, Pitlochry – Report 19/213 – McKay’s Hotel**

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, a sample of the roof slate shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.
3. 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 order to protect the traditional character of the building and the appearance of the Conservation Area.

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4. Prior to the development hereby approved being completed or brought into use, secure and covered cycle parking provision shall be provided to accommodate 5 number bicycles in accordance with the National Roads Development Guide to the satisfaction of Perth & Kinross Council as Planning Authority.  
Reason: In the interests of road safety; to ensure the provision of adequate cycle parking facilities.
5. Prior to the commencement of the development hereby approved a plan of the car park layout with spaces delineated shall be submitted to and agreed in writing by the Council as Planning Authority. The car park shall be resurfaced and laid out as per the approved plan prior to the development being completed or brought into use.  
Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

**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.

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

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

- (i) 19/00002/PAN - Residential development at land 70 metres east of Tigh Grianach, St Ninian's Road, Alyth (Part of LDP Site H60) – Report 19/214 – Trustees of the Late Stewart Robertson**

Councillor Drysdale requested that consideration be given to the proximity of the neighbouring cemetery to the proposal.

Councillor Simpson requested a full assessment on the direction of traffic be undertaken.

Members also noted the issues identified by the Head of Planning and Development's Report.

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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 20 August 2019 at 10.30am.

Present: Councillors L Simpson (excluding Art. 383(i)), H Anderson (up to and including Art. 383(i)), T Gray and W Wilson.

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

Also Attending: P Beer (Housing and Environment); M Terava (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

381. DECLARATIONS OF INTEREST

Councillor L Simpson declared an interest in Art. .

382. MINUTES

The minute of meeting of the Local Review Body of 23 July 2019 (Arts. 374-376) was submitted and noted.

HAVING DECLARED A NON-FINANCIAL INTEREST IN ART 383(i), COUNCILLOR SIMPSON LEFT THE ROOM.

COUNCILLOR WILSON TOOK THE CHAIR.

383. APPLICATION FOR REVIEW

- (i) **TCP/11/16(610)
Planning Application – 19/00205/IPL – Erection of a dwellinghouse (in principle), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown – Mr McLuckie and Ms Borley**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown.

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

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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), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives, including conditions regarding SUDS, developer contributions and landscaping on site boundaries based on the previous decision notice reference 16/0964/IPL.

COUNCILLOR SIMPSON RETURNED TO THE MEETING AT THIS POINT AND TOOK THE CHAIR. COUNCILLOR ANDERSON LEFT THE MEETING AT THIS POINT.

384. DEFERRED APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(596)**
Planning Application – 18/01656/FLL – Erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth – Aviva

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth.

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

It was noted that, at its meeting of 28 May 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (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 invited to submit information on noise impact in response to the comments of the Council's Environmental Health Officer; (iii) the applicant be invited to submit information on shadow flicker impact in response to the comments of the Council's Environmental Health Officer; and (iv) following the receipt of any or all further information, the application be brought back to the Local Review Body. With all further information having been received the Local Review Body reconvened.

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

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was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision and for different reasons that:

- (ii) the Review application for the erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth, the application be referred to the Scottish Ministers indicating that the PKLRB was minded to grant conditional consent for the proposal contrary to the objection received from Historic Environment Scotland

Note: Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the erection of wind turbine and ancillary equipment be refused. In his opinion, whilst commending the environmental credentials of the proposal, the proposal did not comply with the Development Plan, and there was not sufficient justification to depart from the Development Plan and related guidance.

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## **HOUSING AND COMMUNITIES COMMITTEE**

Minute of meeting of the Housing and Communities Committee held in the Council Chambers, 2 High Street, Perth on Wednesday 21 August 2019 at 9.30am.

Present: Councillors P Barrett, B Brawn, C Ahern, A Bailey (up to and including Art. 386(ii)), K Baird (substituting for C Shiers), H Coates, E Drysdale, T Gray, D Illingworth, S McCole, T McEwan, C Reid and R Watters.

In Attendance: B Renton, Executive Director (Housing and Environment); C Mailer, D McPhee (from Art. 390(ii)), S Watson, J McColl (from Art. 390(ii)) and M Dow (all Housing and Environment); C Flynn, A Taylor and D Stokoe (from Art. 390(i)) (all Corporate and Democratic Services).

Also in Attendance: Superintendent E Logue and Chief Inspector I Scott (both Police Scotland) (both up to and including Art. 390(ii)); Area Manager G Pryde and Group Manager B McLintock (both Scottish Fire and Rescue Service) (both up to and including Art. 390(ii)); and L Palmer (Tenants' Representative) (up to and including Art. 393).

Apologies: Councillor C Shiers.

Councillor Barrett, Convener, Presiding.

The Convener led the discussion for Arts. 385-387, 390(ii) and 392-394 and the Vice-Convener for Art. 390(i).

### **385. WELCOME AND APOLOGIES**

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

### **386. DECLARATIONS OF INTEREST**

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

### **387. MINUTE OF THE MEETING OF THE HOUSING AND COMMUNITIES COMMITTEE OF 15 MAY 2019 FOR APPROVAL AND SIGNATURE**

The minute of the meeting of the Housing and Communities Committee of 15 May 2019 (Arts. 242-253) 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 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.**

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

Scottish Fire and Rescue Service had no operational update to report.

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

Police Scotland had no operational update to report.

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

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

**(i) Scottish Fire and Rescue Service Quarterly Performance Report – 1 April to 30 June 2019**

There was submitted a report by Area Manager G Pryde, Scottish Fire and Rescue Service (19/222) 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 first quarter, 1 April to 30 June 2019.

Councillor Drysdale made reference to a recent fire at Menzies Court in Fairfield and queried the type of work being undertaken to try and improve fire safety in buildings of this type. In response Area Manager Pryde confirmed that a lot of collaborate work continues to be done with the Council's Housing department and other partners both locally and nationally to help identify how best to manage and address these types of incidents, he also made reference to improving guidance being issued from the Scottish Government around smoke detection requirements. Group Manager McLintock further commented that with an incident on this scale a multi-agency debrief will be undertaken to identify any lessons learned.

Councillor Barrett made reference to the dramatic reduction in unwanted fire alarm signals in school and educational premises and queried the cause for the reduction. In response Group Manager McLintock commented that work continues between Scottish Fire and Rescue Service, Police Scotland and t schools to highlight the dangers of making malicious calls, deliberate fire setting and general anti-social behaviour. He further commented that information leaflets are left with the owner of the property every time Scottish Fire and Rescue Service are called out to a unwanted fire alarm signal incident.

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**Resolved:**

The performance of the Scottish Fire and Rescue Service in Perth and Kinross area for the first quarter, 1 April to 30 June 2019, as detailed in Report 19/222, be noted.

D STOKOE ARRIVED DURING THE ABOVE ITEM.

**(ii) Perth and Kinross Local Policing Area – Quarterly Performance Report – 1 April to 30 June 2019**

There was submitted a report by Chief Superintendent A Todd, Police Scotland 'D' Division (Tayside) (19/223) 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 April to 30 June 2019.

Councillor Drysdale made reference to the challenges to Police resources caused by the increasing number of honour based abuse reports and queried whether this was an area where collaboration with Perth and Kinross Council is important. In response Chief Inspector Scott commented this was the case and confirmed that although the numbers of incidents are relatively low the investigation required can be significant due to cultural and languages issues.

Councillor McCole made reference to the challenges faced regarding human trafficking issues and queried what can be done to improve the public's awareness of these issues. In response Chief Inspector Scott confirmed this was challenging but the increase in media / social media information released as and when these types of incidents arise is helping to raise public awareness on what to look out for. He asked partners, communities and elected members to raise any concerns they may have.

Councillor Brawn made reference to the number of violent assaults (being over 1600 nationally) carried out on Police Officers over the last year and queried how many of these apply to Perth and Kinross, he further queried what can be done to try and reduce these figures. In response Chief Inspector Scott confirmed the majority of assaults on officers are carried out when a person is being arrested. He further commented that the majority of these tend to be minor in nature.

Councillor Gray made reference to vehicle-activated signs and queried whether these signs actually are capable of holding a record of vehicle speeds over a period of time. In response Chief Inspector Scott confirmed that they are only capable of indicating an advisory speed to motorists, there is no camera provision which can record speeds.

**Resolved:**

The performance of Police Scotland against the local policing priorities for the Perth and Kinross area as detailed in Report 19/223 be noted.

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D McPHEE AND J McCOLL BOTH ARRIVED DURING THE ABOVE ITEM.

COUNCILLOR A BAILEY, SUPERINTENDENT E LOGUE, CHIEF INSPECTOR I SCOTT, AREA MANAGER G PRYDE AND GROUP MANAGER B MCLINTOCK ALL LEFT THE MEETING AT THIS POINT.

**391. COMMUNITY PLANNING PARTNERSHIP UPDATE**

There was submitted and noted a report by the Depute Chief Executive, Chief Operating Officer (19/224) providing an update on progress with Community Planning priorities since the last update on 15 May 2019.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED AT 11.02AM.

**392. ANNUAL UPDATE ON PERTH AND KINROSS TENANT AND RESIDENT PARTICIPATION STRATEGY 2018-21**

There was submitted a report by the Executive Director (Housing and Environment) (19/225) noting the progress in implementing the Tenant and Resident Participation Strategy for Perth and Kinross.

**Resolved:**

- (i) The progress made during 2018/19 towards achieving the outcomes set out within the Tenant and Resident Participation Strategy, attached as Appendix 1 to Report 19/225, be noted.
- (ii) The Executive Director (Housing and Environment) be requested to bring forward a further report in 12 months' time.

**393. ANNUAL UPDATE ON PERTH AND KINROSS LOCAL HOUSING STRATEGY 2016-2021**

There was submitted a report by the Executive Director (Housing and Environment) (19/226) seeking approval for the revised Responsive Repairs Policy.

**Resolved:**

- (i) The contents of Report 19/226, be noted.
- (ii) The amendments to the responsive repairs policy as detailed in Appendix 1 of Report 19/226 be approved.

L PALMER LEFT THE MEETING AT THIS POINT.

**394. GYPSY/TRAVELLER STRATEGY 2018-21 – YEAR 1 PROGRESS REPORT**

There was submitted a report by the Executive Director (Housing and Environment) (19/227) providing an update on progress for the first year of the Gypsy/Traveller Strategy 2018/21.

**Resolved:**

- (i) The contents of Report 19/227 be noted.

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- (ii) It be agreed that Report 19/227 be shared with the Community Planning Partnership for their approval.
- (iii) The Executive Director (Housing and Environment) be requested to bring a second annual update on the Strategy's progress to the Committee in August 2020.

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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 21 August 2019 at 1.00pm.

Present: Councillors A Forbes, K Baird, A Bailey, S Donaldson, D Doogan, J Duff, D Illingworth (substituting for Councillor A Jarvis), G Laing, R McCall, X McDade (substituting for Councillor M Barnacle), A Parrott, C Reid, Simpson, M Williamson and W Wilson (substituting for Councillor W Robertson).

In Attendance: B Renton, Executive Director (Housing and Environment); M Butterworth, S D'All, C Haggart and K Steven (all Housing and Environment Service) C Flynn and K Molley (Corporate and Democratic Services).

Apologies: Councillors M Barnacle, A Jarvis, and W Robertson.

Councillor A Forbes, Convener, Presiding.

The Convener led discussion on Arts. 395-398 and 400-402 and the Vice-Convener led discussion on Art. 399.

395. WELCOME AND APOLOGIES

Councillor A Forbes welcomed everyone to the meeting and apologies were noted above.

396. DECLARATIONS OF INTEREST

In terms of Councillors' Code of Conduct, Councillor A Forbes declared a non-financial interest in Art. 399.

397. MINUTE OF PREVIOUS MEETING

The minute of the meeting of the Environment and Infrastructure Committee of 15 May 2019 (Arts. 254-265) was submitted and approved as a correct record and authorised for signature.

398. AIR QUALITY ACTION PLAN FOR CRIEFF

There was submitted a report by the Executive Director (Housing and Environment) (19/217) asking the Committee for approval of the finalised Air Quality Action Plan.

Resolved:

- (i) The contents of the final Air Quality Action Plan for Crieff, be noted and agreed.
- (ii) The Executive Director (Housing and Environment) be requested to bring a report back to committee within six months to a year on the progress made of the Air Quality Action Plan for Crieff.

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399. POLICY AND LEVEL OF SERVICE FOR WINTER 2019/2020

There was submitted a report by the Depute Director (Housing and Environment) (19/218) recommending the level of service to be approved by the Council for the gritting and snow clearing of roads and footways in Perth and Kinross during the winter of 2019/2020 using plant and labour resources of Tayside Contracts and other Council Services.

Resolved:

- (i) The delivery of the winter maintenance service as outlined in section 2 or report 19/218, be agreed.
- (ii) The Executive Director (Housing and Environment) be authorised to make arrangements out with the policy and level of service in exceptional conditions such as snow emergencies.
- (iii) It be agreed that the main winter period be extended by one week either end of winter, to mitigate the need for regular volunteers to be sought to cover these periods.
- (iv) It be further agreed that the budget of £3.715m also be used to fund other weather related emergencies, such as works to mitigate immediate risk of flooding to properties/roads and wind damage, directly affecting free movement across the roads network.

400. PROPOSED ONE WAY ROAD AND VARIATION TO WAITING RESTRICTIONS LOWER MILL STREET, BLAIRGOWRIE (WARD 3)

There was submitted a report by the Depute Director (Housing and Environment) (19/219)(1) highlighting an objection received on the proposal to introduce a one way road restriction and waiting restrictions on Lower Mill Street, Blairgowrie; and (2) recommending the Committee set aside the objection and the Order is made as advertised.

Resolved:

The objection to the proposal to introduce a one way road restriction and No Waiting at Any Time restrictions at Lower Mill Street, Blairgowrie be set aside and the Traffic Regulation Order be made as advertised.

401. PROPOSED ADDITIONAL GREEN ROUTES BLACKFORD (WARD 7)

There was submitted a report by the Depute Director (Housing and Environment) (19/220)(1) highlighting the success of previously-introduced Green Routes in promoting these roads for safe use by more sustainable but vulnerable transport modes; and (2) recommending that an additional route (Blackford) be promoted as part of the 'Green Routes'.

Resolved:

- (i) The proposed routes as detailed in Appendix 2 to Report 19/220, be taken forward as an addition to the Green Routes projects to be implemented in financial year 2019/2020.

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- (ii) The start of the legal process to promote the relevant Traffic Regulation Orders to vary the speed limits as detailed in Appendix 2 to Report 19/220, be approved.

402. PROPOSED VARIATION TO WAITING RESTRICTIONS, DARNHALL DRIVE, PARK PLACE & CLYDE PLACE, PERTH (Ward 10)

There was submitted a report by the Depute Director (Housing and Environment) (19/221) (1) outlining the problems experienced by residents in Darnhall Drive, Park Place and Clyde Place, Perth due to indiscriminate parking; and (2) recommending a variation to the Perth Traffic Management Order to vary the waiting restrictions on Darnhall Drive, Park Place and Clyde Place, Perth.

Resolved:

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time waiting restrictions on Darnhall Drive, Park Place and Clyde Place, Perth as described in Report 19/221, be approved.

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PERTH AND KINROSS COUNCIL  
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 22 August 2019 at 10.00am.

Present: Councillors C Ahern (Convener), D Illingworth, K Baird, B Brawn, A Coates, I James, A Jarvis, A Parrott, J Rebbeck, F Sarwar and M Williamson.

In Attendance: PC C Forbes and PC R Jamieson (both Police Scotland); M McLaren, S Michie and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors R Brock and R Watters.

Councillor C Ahern (Convener), Presiding.

### **403. WELCOME AND APOLOGIES**

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

### **404. DECLARATIONS OF INTEREST**

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

### **405. MINUTES**

The Minute of Meeting of the Licensing Committee of 11 July 2019 (Arts. 366-373) 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.**

### **406. SUSPENSION OF A TAXI/PRIVATE HIRE CAR DRIVER LICENCE NO. TD387**

There was submitted a report by the Head of Legal and Governance Services (19/228) together with a letter of representation dated 23 July 2019 from Police Scotland regarding Suspension of Taxi/Private Hire Car Driver's Licence No. TD387.

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.

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FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

Taxi/Private Hire Car Driver's Licence No. TD387 be not suspended.

**407. SUSPENSION OF A TAXI/PRIVATE HIRE CAR DRIVER LICENCE NO. TD1247**

There was submitted a report by the Head of Legal and Governance Services (19/229) together with a letter of representation dated 16 July 2019 from Police Scotland regarding Suspension of Taxi/Private Hire Car Driver's Licence No. TD1247.

The licence holder failed to attend.

**Resolved:**

Consideration of Suspension of a Taxi/Private Hire Car Driver Licence No. TD1247 be deferred to the next meeting of the Licensing Committee scheduled to take place on Thursday 3 October 2019.

**408. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1889**

There was submitted a report by the Head of Legal and Governance Services (19/230) together with (1) a letter of objection dated 20 June 2019 from Police Scotland; and (2) a copy of notice of decision dated 18 July 2018 by the Scottish Social Services Council regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1889.

The applicant was in attendance and was accompanied by her employer.

The representatives of Police Scotland addressed the Committee and answered Members' questions. The applicant and her employer also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

A Contracts only Taxi/Private Hire Car Driver's Licence No. TD1889 be granted for a period of three years with effect from 22 August 2019.

**409. GRANT OF STREET TRADER LICENCE ST382**

There was submitted a report by the Head of Legal and Governance Services (19/231) together with letter of representation dated 17 April 2019 from Police Scotland regarding grant of Street Trader Licence No. ST382.

The applicant was in attendance.

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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.

Motion (Councillors C Ahern and F Sarwar) – The application for grant of Street Trader Licence ST382 be refused on the grounds that the applicant is not a fit and proper person to be the holder of the Licence.

**Amendment (Councillors D Illingworth and A Parrott) – The application for grant of Street Trader Licence ST382 be approved for 1 year with effect from 22 August 2019, subject to the applicant reappearing before Committee if an application for renewal is received.**

In terms of Standing Order 55, a roll call vote was taken.

7 Members voted for the Amendment as follows:

Councillors K Baird, A Coates, D Illingworth, I James, A Jarvis, A Parrott, and J Rebbeck.

4 Members voted for the Motion as follows:

Councillors C Ahern, B Brawn, F Sarwar and M Williamson.

**Resolved:**

In accordance with the Amendment.

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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 28 August 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance:, K Smith, C Brien, J Scott, D Littlejohn, H Donaldson, L Reid, D Salman and R Stewart (all Housing and Environment); G Fogg and D Williams (both Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

410. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

411. DECLARATIONS OF INTEREST

Councillor L Simpson declared a non-financial interest in Item 415(1)(i).

412. MINUTES

The minute of meeting of the Planning and Development Management Committee of 31 July 2019 (Arts. 377-380) was submitted, approved as a correct record and authorised for signature.

413. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
18/02231/AMM	415(1)(i)
19/00975/FLL	415(2)(iii)

414. WITHDRAWAL OF APPLICATIONS

The Committee noted the following applications had been withdrawn from the agenda:

19/00090/FLL - COUPAR ANGUS - Erection of a dwellinghouse, land east of Abbeyhill, Precinct Street, Coupar Angus

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HAVING PREVIOUSLY DECLARED AN INTEREST IN THE FOLLOWING ITEM,
COUNCILLOR L SIMPSON LEFT THE MEETING AT THIS POINT.

415. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 18/02231/AMM – SCONE – Erection of 42 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/02127/IPM) (Phase 1A), Scone North, Scone – Report 19/232 – A and J Stephen Limited**

Mr McKerracher, on behalf of Scone and District Community Council, objectors to the application, followed by Mr Stephen, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and I James)

Defer the application for a site visit, response from NHS Tayside concerning the capacity of medical practices to accept the impact of this application and further information on pedestrian access and safety, flood risk, and existing and proposed road access.

Amendment (Councillors H Coates and R McCall)

Grant, subject to the following conditions and informatives:

Conditions

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.**
- 2. Prior to the commencement of development hereby approved, details of the location and specification of the bat/swift brick(s) and/or bat/swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority (incorporated into 30% of buildings of 2 or more storeys at eaves height).
Thereafter, the swift brick(s) and/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 employing best practice ecology measures.**

3. **All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.
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).**
4. **The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan, prior to the completion and occupation of plot 42 and thereafter maintained to the satisfaction of the Council as planning authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species 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 and in pursuance of satisfying placemaking policy criteria of the adopted LDP.**
5. **Notwithstanding the submitted drainage details, prior to the installation of any drainage works on site, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing in to the use of the development.
Reason - To ensure the technical specification of the drainage system for the site accords with Policy EP3C - Water, Environment and Drainage (Surface Water Drainage) of the Perth and Kinross Local Development Plan 2014.**
6. **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'
Reason - In the interest of tree protection in the interests of biodiversity and amenity of the area.**
7. **Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation, which has**

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

Reason - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

8. 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 D Figure 5.7 access detail, of Type B Road construction detail.

Reason – In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

9. Prior to the occupation of the first dwellinghouse hereby approved, the existing 30 mph signage and Traffic Regulation Orders will be amended, so as to extend the existing 30mph zone beyond the proposed new vehicular access (a minimum of 43 metres), within the public road boundary to the satisfaction of Perth & Kinross Council as Planning Authority.

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

10. Prior to the development hereby approved being completed or brought into use, provision of pedestrian facilities to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority shall be provided, linking the development to existing pedestrian facilities at Harper Way as per drawing ref 18/02231/153.

Reason - In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

11. Prior to the development hereby approved being completed or brought into use, provision of two. 3 bay bus shelters (including power supply and lighting) and associated hard stand areas to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority shall be

provided within the road boundary in the vicinity of the proposed new access onto the U87 to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason - In the interest of promoting sustainable public transport.

12. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path (SCON/30) as part of the development (including timings and resurfacing works post completion) shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timing identified in the plan.

Reason -To ensure that public access is maintained at all reasonable times, to the local path network.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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 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. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
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 and should be returned to snn@pkc.gov.uk.
9. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
10. The applicant is advised to take full account of all matters relating to the Structures and Flooding Memo (dated 30 July), particularly in relation to fulfilling ongoing obligations and for any future application and/or phase of development associated with In Principle Permission 16/02127/IPM.
11. In association with informative 10, the applicant is requested to further provide as-built drawings, maintenance plan, adoption schedule and CCTV survey of the drainage system to the Structures

Flooding Team on completion of each phase of the works.

- 12. 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.**
- 13. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 14. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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**
- 15. 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 permission for a development does not provide a defence against prosecution under this Act.**
- 16. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.**
- 17. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.**
- 18. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).**

19. The applicant is reminded of existing ongoing obligations pertaining to PPP 16/02127/IPM and the suspensive conditions as set out.
20. For clarification, the indicative Phasing plan and Construction Environment Management Plan submitted in draft form as part of this application are not approved as part of this permission.

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum dated April 2019. The EIA Addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The Addendum considers the conclusions reached in the 2016 Environmental Statement (ES).
3. The Addendum concludes that through the proposed submission of the approval of matters specified of phase 1a, there would be no material or substantive effect on the conclusions reached through the original 2016 ES and the associated 2017 SEI.
4. The Planning Authority is satisfied that the EIA Addendum is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the original proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development.
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions and ongoing S75 control, the proposal is acceptable and can be approved.

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

6 members voted for the Motion as follows:
Councillors H Anderson, M Barnacle, E Drysdale, I James,
A Jarvis and W Wilson.

6 members voted for the Amendment as follows:
Councillors B Band, B Brawn, H Coates, T Gray, R McCall and
R Watters.

In terms of Standing Order 56 the Convenor made the casting
vote in accordance with the Amendment.

Resolved:
In accordance with the Amendment.

(2) Local Applications

- (i) 19/00697/FLL – PERTH – Erection of boundary treatments, retaining walls and a bin store, installation of a substation and screened sprinkler tank, formation of parking areas, landscaping and associated works (revised design), land at Conachar Court, Isla Road, Perth – Report 19/234 – Balhousie Care Group**

Resolved:
Grant, subject to the following conditions and informatives,
including the updates provided by planning:

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 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'. 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

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repaired or replaced with a specification that shall provide a similar degree of protection.

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

3. The development hereby permitted shall not commence until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Planning Authority. The AMS scheme as subsequently agreed shall be strictly adhered to during construction of the development. The AMS shall include full details of the following:
 - a) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - b) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees.
 - c) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

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, a detailed landscaping and planting scheme 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.

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

5. The development hereby permitted shall not commence until a detailed scheme has been submitted to and approved by the Council as Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation upon noise levels within the residential care home hereby permitted. 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 order to safeguard the residential amenity of the area.

6. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

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. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads and Bridges standard BD 2/12 (and HD 22/08

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where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth and Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth and Kinross Council's Structures & Flooding Team (tel 01738 475000; email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

5. An application for Building Warrant may be required.
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.

(ii) 19/00975/FLL – FEARNAN - Erection of a replacement dwellinghouse, site of former Briar Croft, Fearnan – Report 19/235 – Ms L Beaumont

Ms S Dolan-Betney, on behalf of Glenlyon and Loch Tay Community Council and Mr N Grant, on behalf of objectors, followed by Mr R Hall, agent, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

Motion (Councillors T Gray and M Barnacle)

Grant, subject to the following amended 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, control of surface water & provision of an adequate gradient of access.

- 3. Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.**

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

- 4. The stove shall 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 of the appliance.**

Reason - To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

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.**

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4. **No work shall be commenced until an application for building warrant has been submitted and approved.**
5. **Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing demolition works. If bats are found during works, all work must stop immediately and you should contact SNH Licencing Team (01463 725 000) immediately for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place. It is also an offence to damage or destroy a resting or breeding place used by bats.**
6. **Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.**
7. **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.**
8. **The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.**

Amendment (Councillor E Drysdale and W Wilson)

Refuse, as the proposal does not comply with Local Development Plan policies ER6 (a, b d and e), PM1a, PM1B(c) and RD1(c).

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

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, H Coates, T Gray, I James, A Jarvis and R McCall

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5 members voted for the Amendment as follows:
Councillors B Brawn, E Drysdale, L Simpson, R Watters and
W Wilson.

Resolved:

In accordance with the Motion

(2) Proposal of Application Notice (PAN)

- (i) 19/00003/PAN – MEIGLE – Erection of a substation, ancillary buildings and infrastructure, formation of hardstanding, access track, landscaping and associated works, land north west of Haughend Farm, Meigle – Report 19/236 – Scottish Hydro Electric Transmission PLC**

Members noted the issues identified by the Head of Planning and Development's Report.

- (ii) 19/00004/PAN – SCONE – Major Infrastructure Project Application – Cross Tay Link Road at the A9 over the River Tay to the A93 and A94 north of Scone – Report 19/237 – Perth and Kinross Council**

Councillor Simpson requested that thorough consideration be given to road drainage and water environment. Councillor Simpson also requested that the construction management plan take into recreational usage of the area.

Councillors Wilson and James requested that consideration be given to noise impact for local residents.

Members also noted the issues identified by the Head of Planning and Development's Report.

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PERTH AND KINROSS COUNCIL  
SPECIAL COUNCIL MEETING  
2 SEPTEMBER 2019

## **SPECIAL MEETING OF COUNCIL**

Minute of special meeting of Perth and Kinross Council held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Monday 2 September 2019 at 3.00pm.

Present: Provost D Melloy, Councillors C Ahern, 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, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive; S MacKenzie, J Clark, C Flynn, G Fogg, S Hendry, C Irons, D Williams, K Molley, L Brown and L Gowans (all Corporate and Democratic Services); G Paterson, Chief Officer/Director – Integrated Health and Social Care, Perth and Kinross Health and Social Care Partnership.

Provost D Melloy, Presiding.

### **416. WELCOME AND APOLOGIES**

The Provost welcomed all those present to the meeting.

### **417. DECLARATIONS OF INTEREST**

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

### **418. APPOINTMENTS TO COMMITTEES / OUTSIDE BODIES**

Provost Melloy confirmed that in terms of Standing Orders it was his opinion that the item of business on the agenda should be considered as a matter of urgency to reflect the change in political balance on the Council.

Motion (Councillors M Lyle and J Duff)

## **MEMBERSHIP OF COMMITTEES/SUB COMMITTEES**

### **MEMBERSHIP OF LIFELONG LEARNING COMMITTEE**

|   |                                       |              |
|---|---------------------------------------|--------------|
| 1 | Convener Administration Position      | Cllrs Shiers |
| 2 | Vice-Convener Administration Position | Cllr J Duff  |
| 3 | Vice Convener Administration Position | Cllr Wilson  |
| 4 | Administration Position               | Cllr Baird   |
| 5 | Administration Position               | Cllr Forbes  |

PERTH AND KINROSS COUNCIL  
SPECIAL COUNCIL MEETING  
2 SEPTEMBER 2019

|    |                         |               |
|----|-------------------------|---------------|
| 6  | Administration Position | Cllr Reid     |
| 7  | Opposition Position     | Cllr Anderson |
| 8  | Opposition Position     | Cllr McDade   |
| 9  | Opposition Position     | Cllr McEwan   |
| 10 | Opposition Position     | Cllr Pover    |
| 11 | Opposition Position     | Cllr Purves   |
| 12 | Opposition Position     | Cllr Rebbeck  |
| 13 | Opposition Position     | Cllr Sarwar   |

**MEMBERSHIP OF EXECUTIVE SUB-COMMITTEE OF LIFELONG LEARNING COMMITTEE**

|   |                              |              |
|---|------------------------------|--------------|
| 1 | Convener Administration      | Cllr Shiers  |
| 2 | Vice-Convener Administration | Cllr Wilson  |
| 3 | Opposition Position          | Cllr McDade  |
| 4 | Opposition Position          | Cllr Rebbeck |
| 5 | Opposition Position          | Cllr Sarwar  |

**MEMBERSHIP OF HOUSING AND COMMUNITIES COMMITTEE**

|    |                              |               |
|----|------------------------------|---------------|
| 1  | Convener Administration      | Cllr Barrett  |
| 2  | Vice-Convener Administration | Cllr Brawn    |
| 3  | Administration Position      | Cllr Ahern    |
| 4  | Administration Position      | Cllr H Coates |
| 5  | Administration Position      | Cllr Reid     |
| 6  | Administration Position      | Cllr Shiers   |
| 7  | Opposition Position          | Cllr Bailey   |
| 8  | Opposition Position          | Cllr Drysdale |
| 9  | Opposition Position          | Cllr Gray     |
| 10 | Opposition Position          | Cllr McCole   |
| 11 | Opposition Position          | Cllr McEwan   |
| 12 | Opposition Position          | Cllr Watters  |
| 13 | Opposition Position          | Cllr Pover    |

**MEMBERSHIP OF EXECUTIVE SUB-COMMITTEE OF HOUSING AND COMMUNITIES COMMITTEE**

|   |                              |              |
|---|------------------------------|--------------|
| 1 | Convener Administration      | Cllr Barrett |
| 2 | Vice-Convener Administration | Cllr Brawn   |
| 3 | Opposition Position          | VACANCY      |
| 4 | Opposition Position          | Cllr McCole  |
| 5 | Opposition Position          | Cllr McEwan  |

**MEMBERSHIP OF ENVIRONMENT AND INFRASTRUCTURE COMMITTEE**

|   |                              |             |
|---|------------------------------|-------------|
| 1 | Convener Administration      | Cllr Forbes |
| 2 | Vice-Convener Administration | Cllr Baird  |
| 3 | Administration               | Cllr Duff   |

PERTH AND KINROSS COUNCIL  
SPECIAL COUNCIL MEETING  
2 SEPTEMBER 2019

|    |                     |                 |
|----|---------------------|-----------------|
| 4  | Administration      | Cllr Jarvis     |
| 5  | Administration      | Cllr McCall     |
| 6  | Administration      | Cllr Robertson  |
| 7  | Administration      | Cllr Simpson    |
| 8  | Opposition Position | Cllr Bailey     |
| 9  | Opposition Position | Cllr Barnacle   |
| 10 | Opposition Position | Cllr Doogan     |
| 11 | Opposition Position | Cllr Donaldson  |
| 12 | Opposition Position | Cllr Laing      |
| 13 | Opposition Position | Cllr Parrott    |
| 14 | Opposition Position | Cllr Williamson |
| 15 | Opposition Position | Cllr Stewart    |

**MEMBERSHIP OF EXECUTIVE SUB-COMMITTEE OF ENVIRONMENT AND INFRASTRUCTURE COMMITTEE**

|   |                              |              |
|---|------------------------------|--------------|
| 1 | Convener Administration      | Cllr Forbes  |
| 2 | Vice-Convener Administration | Cllr Baird   |
| 3 | Opposition Position          | Cllr Stewart |
| 4 | Opposition Position          | Cllr Doogan  |
| 5 | Opposition Position          | Cllr Parrott |

**MEMBERSHIP OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

|    |                              |                  |
|----|------------------------------|------------------|
| 1  | Convener Administration      | Cllr McCall      |
| 2  | Vice-Convener Administration | Cllr Brawn       |
| 3  | Administration Position      | Cllr James       |
| 4  | Administration Position      | Cllr Illingworth |
| 5  | Administration Position      | Cllr Simpson     |
| 6  | Administration Position      | Cllr Wilson      |
| 7  | Opposition Position          | Cllr Anderson    |
| 8  | Opposition Position          | Cllr Band        |
| 9  | Opposition Position          | Cllr Barnacle    |
| 10 | Opposition Position          | Cllr Drysdale    |
| 11 | Opposition Position          | Cllr T Gray      |
| 12 | Opposition Position          | Cllr Watters     |
| 13 | Opposition Position          | Cllr Purves      |

**MEMBERSHIP OF LICENSING COMMITTEE**

|   |                              |                  |
|---|------------------------------|------------------|
| 1 | Convener Administration      | Cllr Ahern       |
| 2 | Vice-Convener Administration | Cllr Baird       |
| 3 | Administration Position      | Cllr A Coates    |
| 4 | Administration Position      | Cllr Illingworth |
| 5 | Administration Position      | Cllr James       |
| 6 | Administration Position      | Cllr McCall      |
| 7 | Opposition Position          | Cllr Brock       |

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|    |                     |                 |
|----|---------------------|-----------------|
| 8  | Opposition Position | Cllr Parrott    |
| 9  | Opposition Position | Cllr Rebbeck    |
| 10 | Opposition Position | Cllr Sarwar     |
| 11 | Opposition Position | Cllr Watters    |
| 12 | Opposition Position | Cllr Williamson |
| 13 | Opposition Position | VACANCY         |

**MEMBERSHIP OF SCRUTINY COMMITTEE**

|    |                          |                  |
|----|--------------------------|------------------|
| 1  | Convener Opposition      | Cllr Laing       |
| 2  | Vice-Convener Opposition | Cllr Parrott     |
| 3  | Opposition Position      | Cllr Barnacle    |
| 4  | Opposition Position      | Cllr Doogan      |
| 5  | Opposition Position      | Cllr McCole      |
| 6  | Opposition Position      | Cllr Mc Ewan     |
| 7  | Opposition Position      | Cllr Purves      |
| 8  | Opposition Position      | Cllr Stewart     |
| 9  | Administration Position  | Cllr Ahern       |
| 10 | Administration Position  | Cllr H Coates    |
| 11 | Administration Position  | Cllr Illingworth |
| 12 | Administration Position  | Cllr Brawn       |
| 13 | Administration Position  | Cllr Reid        |

**MEMBERSHIP OF AUDIT COMMITTEE**

|   |                          |                  |
|---|--------------------------|------------------|
| 1 | Convener Opposition      | Cllr Drysdale    |
| 2 | Vice-Convener Opposition | Cllr Donaldson   |
| 3 | Opposition Position      | Cllr McDade      |
| 4 | Opposition Position      | Cllr Williamson  |
| 5 | Administration Position  | Cllr Jarvis      |
| 6 | Administration Position  | Cllr Illingworth |
| 7 | Administration Position  | Cllr Wilson      |

**MEMBERSHIP OF STRATEGIC POLICY AND RESOURCES COMMITTEE**

|    |                              |                |
|----|------------------------------|----------------|
| 1  | Convener Administration      | Cllr Lyle      |
| 2  | Vice-Convener Administration | Cllr Barrett   |
| 3  | Administration               | Cllr Ahern     |
| 4  | Administration Position      | Cllr Duff      |
| 5  | Administration Position      | Cllr Forbes    |
| 6  | Administration Position      | Cllr McCall    |
| 7  | Administration Position      | Cllr Shiers    |
| 8  | Opposition Position          | Cllr Bailey    |
| 9  | Opposition Position          | Cllr Band      |
| 10 | Opposition Position          | Cllr Doogan    |
| 11 | Opposition Position          | Cllr Donaldson |
| 12 | Opposition Position          | Cllr Laing     |
| 13 | Opposition Position          | Cllr McCole    |



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|    |                     |              |
|----|---------------------|--------------|
| 14 | Opposition Position | Cllr Parrott |
| 15 | Opposition Position | Cllr Stewart |
| 16 | Provost             | Cllr Melloy  |

**MEMBERSHIP OF EXECUTIVE SUB-COMMITTEE OF STRATEGIC POLICY AND RESOURCES COMMITTEE**

|   |                                    |              |
|---|------------------------------------|--------------|
| 1 | Convener Councillor Administration | Cllr Lyle    |
| 2 | Administration Position            | Cllr Barrett |
| 3 | Opposition Position                | Cllr Doogan  |
| 4 | Opposition Position                | Cllr Laing   |
| 5 | Opposition Position                | Cllr Bailey  |

**MEMBERSHIP OF PROPERTY SUB-COMMITTEE OF STRATEGIC POLICY AND RESOURCES COMMITTEE**

|   |                                    |              |
|---|------------------------------------|--------------|
| 1 | Convener Councillor Administration | Cllr Lyle    |
| 2 | Administration Position            | Cllr Barrett |
| 3 | Administration Position            | Cllr Shiers  |
| 4 | Opposition Position                | Cllr Band    |
| 5 | Opposition Position                | Cllr Doogan  |
| 6 | Opposition Position                | Cllr Laing   |
| 7 | Opposition Position                | Cllr Stewart |

**MEMBERSHIP OF PROVOST'S SUB-COMMITTEE OF STRATEGIC POLICY AND RESOURCES COMMITTEE**

|   |                         |                |
|---|-------------------------|----------------|
| 1 | Convener Provost        | Provost        |
| 2 | Administration Position | Cllr Lyle      |
| 3 | Opposition Position     | Cllr Donaldson |
| 4 | Opposition Position     | Cllr Parrot    |
| 5 | Opposition Position     | Cllr Bailey    |

**MEMBER OFFICER WORKING GROUPS AND OTHER GROUPS**

**MEMBERSHIP OF MODERNISING GOVERNANCE MEMBER OFFICER WORKING GROUP**

|   |                                    |              |
|---|------------------------------------|--------------|
| 1 | Convener Councillor Administration | Cllr Lyle    |
| 2 | Vice-Convener Administration       | Cllr Barrett |
| 3 | Administration Position            | Cllr McCall  |
| 4 | Opposition Position                | Cllr Doogan  |
| 5 | Opposition Position                | Cllr Laing   |
| 6 | Opposition Position                | Cllr McDade  |
| 7 | Opposition Position                | Cllr Stewart |

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**CORPORATE HEALTH, SAFETY AND WELLBEING CONSULTATIVE COMMITTEE**

|   |                         |               |
|---|-------------------------|---------------|
| 1 | Opposition Position     | Cllr McCole   |
| 2 | Opposition Position     | Cllr Drysdale |
| 3 | Administration Position | Cllr A Coates |
| 4 | Administration Position | Cllr Barrett  |

**COMMUNITY PLANNING**

**COMMUNITY PLANNING PARTNERSHIP BOARD**

|   |                         |              |
|---|-------------------------|--------------|
| 1 | Administration Position | Cllr Lyle    |
| 2 | Opposition Position     | Cllr Parrott |
| 3 | Opposition Position     | Cllr McDade  |

**OUTSIDE BODIES**

**PERTH AND KINROSS INTEGRATION JOINT BOARD**

|   |                                                       |
|---|-------------------------------------------------------|
| 1 | Cllr Duff – to be appointed Chair from 4 October 2019 |
| 2 | Cllr Reid                                             |
| 3 | Cllr Drysdale                                         |
| 4 | Cllr McDade                                           |

**NHS Tayside Board**

|   |           |
|---|-----------|
| 1 | Cllr Duff |
|---|-----------|

**COSLA Health and Social Care**

|   |           |
|---|-----------|
| 1 | Cllr Duff |
|---|-----------|

**PERTH CITY DEVELOPMENT BOARD**

|   |                         |              |
|---|-------------------------|--------------|
| 1 | Leader of the Council   | Cllr Lyle    |
| 2 | Administration Position | Cllr McCall  |
| 3 | Ward 10 representative  | Cllr McCole  |
| 4 | Ward 11 representative  | Cllr Doogan  |
| 5 | Ward 12 representative  | Cllr Barrett |

**Tay Cities Region Joint Committee**

|   |             |
|---|-------------|
| 1 | Cllr Lyle   |
| 2 | Cllr Doogan |
| 3 | Cllr Duff   |

PERTH AND KINROSS COUNCIL  
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**SCOTTISH COUNCILS' COMMITTEE ON RADIOACTIVE SUBSTANCES  
(SCCORS)**

|   |             |
|---|-------------|
| 1 | Cllr McCall |
|---|-------------|

**PERTH UHI**

|   |            |
|---|------------|
| 1 | Cllr Ahern |
|---|------------|

**PERTH AND KINROSS SPORTS COUNCIL**

|   |           |
|---|-----------|
| 1 | Cllr Reid |
|---|-----------|

**PERTH HARBOUR BOARD**

|   |               |
|---|---------------|
| 1 | Cllr Ahern    |
| 2 | Cllr Anderson |
| 3 | Cllr Barrett  |
| 4 | Cllr A Coates |
| 5 | Cllr Parrott  |

**DEVELOPING THE CULTURAL OFFER PROGRAMME BOARD**

|   |             |
|---|-------------|
| 1 | Cllr Lyle   |
| 2 | Cllr Wilson |
| 3 | Cllr McCall |

THERE FOLLOWED A 5 MINUTE RECESS AND THE MEETING RECONVENED  
AT 3.10PM

**Amendment (Councillors A Bailey and R Brock)**

**That the Council agrees the appointments to committees and sub-committees proposed in the motion; does not agree the changes to outside bodies as proposed in the motion (other than the proposals relating to the Scottish Councils' Committee on Radioactive Substances, Perth and Kinross Sports Council, and Perth College UHI); and instead agrees that appointments to all outside bodies remain unchanged except for the following exceptions:**

- **Councillor Doogan be appointed to the Perth Harbour Board to replace an administration Councillor;**
- **Councillor Purves be appointed to Horsecross Perth Theatre and Concert Hall – Executive Committee to replace an administration Councillor;**
- **Councillor McEwan be appointed to Live Active Leisure Limited to replace an administration Councillor;**
- **Councillor Stewart be appointed as Chair of the Perth and Kinross Integration Joint Board, effective from 4 October 2019;**

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- **Councillor McCole be appointed to the East of Scotland European Consortium to replace Councillor Barrett;**
- **Councillor McCole be appointed to the Scotland Excel Joint Committee to replace Councillor Jarvis;**
- **Councillor McDade be appointed to the Community Planning Partnership Board to replace Councillor Barrett.**

THERE FOLLOWED A 15 MINUTE RECESS AND THE MEETING RECONVENED AT 3.28PM.

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

19 members voted for the Motion as follows:

Councillors C Ahern, K Baird, P Barrett, B Brawn, A Coates, H Coates, J Duff, A Forbes, D Illingworth, I James, A Jarvis, M Lyle, R McCall, Provost Melloy, C Reid, W Robertson, C Shiers, L Simpson and W Wilson.

21 members voted for the Amendment as follows:

Councillors H Anderson, A Bailey, B Band, M Barnacle, R Brock, S Donaldson, D Doogan, E Drysdale, T Gray, G Laing, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, F Sarwar, C Stewart, R Watters and M Williamson.

**Resolved:**

In accordance with the Amendment.

**Note:** Councillors C Ahern, C Shiers, A Forbes, B Brawn, D Illingworth, R McCall, J Duff, C Reid and K Baird recorded their dissent at the decision.

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LIFELONG LEARNING COMMITTEE

Minute of meeting of the Lifelong Learning Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 4 September 2019 at 1.00pm.

Present: Councillors C Shiers, J Duff, W Wilson, K Baird, A Forbes, X McDade, T McEwan, B Pover, C Purves, J Rebbeck, C Reid and F Sarwar and M Williamson (substituting for Councillor H Anderson); Mr A Ferguson, Mrs P Giles, Mrs A McAuley, D McBride, Canon Shields and Mrs C Weston.

In attendance: S Devlin, Executive Director (Education and Children's Services); J Pepper, G Boland, S Johnston, D Macleod, G McKendrick, E Paul, H Robertson, K Robertson, B Scott and C Taylor (all Education and Children's Services); J Beveridge and P Marshall (both Housing and Environment); S Rodger, A O'Brien, C Flynn and L Brown (all Corporate and Democratic Services).

Apologies for absence: Councillor Anderson; and J Bell.

The Convener led discussion on Arts.419-425, 427 and 428, Vice-Convener Duff on Arts.426 and 431 and Vice-Convener Wilson on Arts.429 and 430.

Councillor C Shiers, Convener, Presiding.

419. MRS MARGARET McFARLANE

Prior to the commencement of business the Convener conveyed thanks to the former Roman Catholic Church representative, Mrs Margaret McFarlane, for her contribution to the work of the Committee over the past 10 years which had been greatly valued by members and officers alike. On behalf of the Committee the Convener wished her all the best for the future.

420. WELCOME AND APOLOGIES

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

421. DECLARATIONS OF INTEREST

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

422. REQUESTS FOR DEPUTATIONS TO BE HEARD

In terms of Standing Order 72 the Committee agreed to hear deputations from Mr Charlton of Pitlochry High School Parent Council and Mr Pointer and Mr Wright of Breadalbane Academy Parent Council in relation to Art. 425 and a deputation from Mrs Kemp in relation to Art. 426.

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The Committee agreed to hear the deputations and to vary the order of business to hear from Mr Charlton, Mr Pointer and Mr Wright immediately before Art. 425 and Mrs Kemp immediately before Art. 426.

423. MINUTES

(i) Lifelong Learning Committee

The minute of meeting of the Lifelong Learning Committee of 22 May 2019 (Arts. 280-291) was submitted, approved as a correct record and authorised for signature.

(ii) Executive Sub-Committee

The minute of meeting of the Executive Sub-Committee of the Lifelong Learning Committee of 20 May 2019 was submitted and noted.
(Appendix I)

(iii) Joint Negotiating Committee for Teaching Staff

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 19 March 2019 was submitted and noted. *(Appendix II)*

424. MINUTE OF MEETING OF THE CHILDREN YOUNG PEOPLE AND FAMILIES PARTNERSHIP OF 1 MARCH 2019

The minute of meeting of the Children, Young People and Families Partnership of 1 March 2019 was submitted and noted.

425. SCHOOL ESTATE TRANSFORMATION PROGRAMME – PITLOCHRY HIGH SCHOOL

There was submitted a report by the Executive Director (Education and Children's Services) (19/238) (1) exploring options for the delivery of senior phase education for Pitlochry High School and Breadalbane Academy; (2) recommending that the Executive Director (Education and Children's Services) proceed with the development of a Highland Perthshire Learning Partnership (HPLP); and (3) proposing that the plan for the HPLP be developed, as appropriate, with both school Senior Leadership Teams, Perth College UHI, young people, parents/carers and the wider community through a working group.

In terms of Standing Order 72 Mr Charlton of Pitlochry High School Parent Council, and Mr Pointer of Breadalbane Academy Parent Council each addressed the Committee and answered Members questions. Following their respective representations they withdrew to the public benches.

THE CONVENER CALLED A RECESS DURING QUESTIONS.

THE COMMITTEE RECONVENED.

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A RECESS WAS CALLED DURING COMMENTS.

THE COMMITTEE RECONVENED.

Motion (Councillors C Shiers and Councillor J Duff)

- (i) Requests the Executive Director (Education and Children's Services) to progress with developing a detailed plan for the HPLP as appropriate, with both school Senior Leadership Teams, Perth College UHI, young people, parents/carers and the wider community through a working group.
- (ii) Requests the Executive Director (Education and Children's Services) to report back to the November 2019 Lifelong Learning Committee with an update on the work undertaken by the working group.

Amendment (Councillors X McDade and M Williamson)

- (i) Requests the Executive Director (Education and Children's Services) progress with developing a detailed plan for the HPLP with, as appropriate, both school Senior Leadership teams, Perth College UHI, young people, parents, carers and the wider community through a working group and engagement should take place with local elected members throughout the process.
- (ii) Requests the Executive Director (Education and Children's Services) explore proposals to maximise wider community use of Pitlochry High School.
- (iii) Requests the Executive Director (Education and Children's Services) consider as part of the development of HPLP different models for the delivery of education across the two sites which should include the delivery of S5 and S6 from Pitlochry High School and would not be detrimental to the educational offer at Breadalbane Academy.
- (iv) Requests that the Executive Director (Education and Children's Services) undertake a scoping exercise on the possibility of making Kirkmichael Primary School catchment area a dual catchment area for both Pitlochry High School and Blairgowrie High School.
- (v) Requests that the Executive Director (Education and Children's Services) report back to the Lifelong Learning Committee at its January 2020 meeting with an update on the work undertaken by the working group, and to report back on the scoping exercise at the earliest opportunity.

THERE FOLLOWED A RECESS.

THE COMMITTEE RECONVENED.

Councillors C Shiers and J Duff agreed to withdraw their Motion in favour of the Amendment having received clarification on the terms of paragraph (iii) of the Amendment and subject to revisions to paragraphs(i) and (ii) as follows:

- (a) the inclusion of the words "where appropriate" in the last line of paragraph (i);

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- (b) a revised paragraph (ii) “Requests the Executive Director (Education and Children’s Services) to explore proposals to identify wider community use of Pitlochry High School and look at property and community facilities in conjunction with other services and partners.

Resolved:

- (i) Requests the Executive Director (Education and Children’s Services) progress with developing a detailed plan for the HPLP with, as appropriate, both school Senior Leadership teams, Perth College UHI, young people, parents, carers and the wider community through a working group. Engagement should take place with local elected members throughout the process, where appropriate.
- (ii) Requests the Executive Director (Education and Children’s Services) to identify proposals to maximise wider community use of Pitlochry High School and to look at property and community facilities in conjunction with other services and partners.
- (iii) Requests the Executive Director (Education and Children’s Services) consider as part of the development of HPLP different models for the delivery of education across the two sites which should include the delivery of S5 and S6 from Pitlochry High School and would not be detrimental to the educational offer at Breadalbane Academy.
- (iv) Requests that the Executive Director (Education and Children’s Services) undertake a scoping exercise on the possibility of making Kirkmichael Primary School catchment area a dual secondary school catchment area for both Pitlochry High School and Blairgowrie High School.
- (v) Requests that the Executive Director (Education and Children’s Services) report back to the Lifelong Learning Committee at its January 2020 meeting with an update on the work undertaken by the working group and to report back on the scoping exercise at the earliest opportunity.

426. SCHOOL ESTATE TRANSFORMATION PROGRAMME – LOGIERAIT PRIMARY SCHOOL

There was submitted a report by the Executive Director (Education and Children’s Services) (19/239) (1) advising of the outcome of the review of the Pitlochry Early Learning and Childcare (ELC) Community Group associated with Logierait Primary School; and (2) recommending that the Executive Director (Education and Children’s Services) should proceed to establish a nursery at Logierait Primary School with a view to supporting the sustainability of the school.

In terms of Standing Order 72 Mrs Kemp addressed the Committee and answered Members questions. Following her representation she withdrew to the public benches.

Motion (Councillors J Duff and W Wilson)

- (i) Approves the proposal to establish a nursery class within Logierait Primary School from August 2020 with a view to developing a sustainable school roll.

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- (ii) Requests the Executive Director to review the position in 5 years' time in order to assess whether the establishment of the nursery has succeeded in developing a sustainable school roll at Logierait Primary School.

Amendment (Councillors M Williamson and X McDade)

That the Lifelong Learning Committee agrees that education provision at Logierait Primary School continues and further approves the proposal to establish a nursery class within Logierait Primary School from August 2020.

THERE FOLLOWED A RECESS.

THE COMMITTEE RECONVENED.

Councillors Williamson and McDade agreed to withdraw their Amendment in favour of the Motion subject to the deletion of paragraph (ii) from the Motion.

Resolved:

Approve the establishment of a nursery class within Logierait Primary School from August 2020 with the view to developing a sustainable school roll.

427. SCHOOL ESTATE TRANSFORMATION PROGRAMME – STRATEGIC SITES NORTH WEST/NORTH PERTH

There was submitted a report by the Executive Director (Education and Children's Services) (19/240) (1) updating the Committee on the expected house building at the strategic sites at North West/North Perth; (2) advising that due to anticipated house building a new school is required for this area by approximately 2024; (3) proposing Bertha Park as the location for the new school; and (4) seeking approval for the Executive Director (Education and Children's Services) to proceed with options appraisals in relation to the catchment area for the new school, which will also consider implications for the future of Ruthvenfield Primary School and its catchment area.

Motion (Councillors C Shiers and W Wilson)

- (i) Notes the outcome of the high level feasibility study for Ruthvenfield Primary School;
- (ii) Approves Bertha Park as the preferred location for a new primary school.
- (iii) Agrees that options appraisals, which includes informal consultation, are undertaken in relation to both the catchment for the new school and the future of Ruthvenfield Primary School.
- (iv) Requests the Executive Director (Education and Children's Services) to submit the findings of the options appraisals to Lifelong Learning Committee in March 2020 or as soon as possible thereafter.

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Amendment (Councillors C Purves and X McDade)

- (i) **Note the outcome of the high-level feasibility study of Ruthvenfield Primary School and that no further option appraisal in relation to the future of the school is carried out at this time.**
- (ii) **Defers a decision on Bertha Park as the preferred location for a new primary school and undertake an option appraisal to establish whether the necessary adjustments to the catchments of existing primary schools can be made to ensure that pupils from developments in the strategic sites can be accommodated in those schools, and, in addition, explores whether the pupils from the development could be accommodated by extending capacity at existing primary schools in the local area.**
- (iii) **Requests the Executive Director (Education and Children's Services) submit the findings of the options appraisal to the Lifelong Learning Committee in January 2020.**

In terms of Standing Orders 58 a Roll Call Vote was taken.

6 Members voted for the Motion as follows:

Councillors K Baird, J Duff, A Forbes, C Reid, C Shiers and W Wilson.

7 Members voted for the Amendment as follows:

Councillors X McDade, T McEwan, B Pover, C Purves, J Rebbeck, F Sarwar and M Williamson.

Resolved:

In accordance with the Amendment

428. COLLABORATIVE APPROACH TO SCHOOL/LEARNING ESTATE TRANSFORMATION – UPDATE ON JOINT 2-18 COMMUNITY LEARNING CAMPUS

There was submitted a report by the Executive Director (Education and Children's Services) (19/241) providing an update on a number of key areas which have been considered in terms of the potential feasibility of a joint 2-18 community learning campus. Similar update reports will be considered at the respective committees of Angus and Dundee City Council.

Motion (Councillors C Shiers and W Wilson)

- (i) Notes the progress that has been made through collaboration between the three local authorities.
- (ii) Notes that, the exploratory work that has been undertaken has clarified that the joint 2-18 community learning campus is not the right solution for each local authority at this time.
- (iii) Approves that the Executive Director (Education and Children's Services) ceases involvement in the exploration of a joint 2-18 community learning

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campus at this time and focuses on the improvement of the existing learning estate.

Amendment (Councillors J Rebbeck and B Pover)

Instruct the Executive Director to continue working with our Tayside Partners and the Scottish Government in renewed scoping of a multi-authority secondary only school. This is consistent with the original ambition of Perth and Kinross and will positively offer Dundee, and potentially Angus substantial benefits for their Secondary School Estate.

THERE FOLLOWED A RECESS.

THE COMMITTEE RECONVENED.

THERE FOLLOWED A FURTHER RECESS.

THE COMMITTEE RECONVENED.

Councillors Rebbeck and Pover agreed to withdraw their Amendment subject to a revisal to paragraph (iii) of the Motion and the inclusion of an additional paragraph (iv) as follow:

- (a) the deletion of the words “and focuses on the improvement of the existing learning estate” in the last line of paragraph (iii).
- (b) the inclusion of an additional paragraph (iv) “Request the Executive Director to relay to the Directors of Education of Dundee City and Angus Councils this Committee’s ongoing commitment to partnership working on innovative collaborative projects related to the learning estate and the learner journey.”

Resolved:

- (i) Notes the progress that has been made through collaboration between the three local authorities.
- (ii) Notes that the explanatory work that has been undertaken has clarified that the joint 2-18 community learning campus is not the right solution for each local authority area at this time.
- (iii) Approves that the Executive Director (Education and Children’s Services) ceases involvement in the exploration of a joint 2-18 community learning campus at this time.
- (iv) Request the Executive Director to relay to the Directors of Education of Dundee City and Angus Councils this Committee’s ongoing commitment to partnership working on innovative collaborative projects related to the learning estate and the learner journey.

429. SECOND ANNUAL UPDATE ON THE IMPLEMENTATION OF REACH

There was submitted a report by the Executive Director (Education and Children’s Services) (19/242) (1) providing an update on the progress of the REACH

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project, following the successful implementation of the new model in January 2019; and (2) an initial evaluation on the positive impact REACH has had on the lives of young people and their families in Perth and Kinross who are considered to be “on the edge of care”.

Resolved:

- (i) The progress of the REACH project and completion of the implementation phase be noted.
- (ii) The approach to evaluation and the initial evidence of the impact of REACH be noted.
- (iii) The Executive Director (Education and Children’s Services) be requested to provide a third progress update on REACH by September 2020.

430. STATUTORY CONSULTATION – SCHOOL ADMISSION POLICY

There was submitted a report by the Executive Director (Education and Children’s Services) (19/243) seeking approval for the Executive Director to engage in formal consultation to review and vary the School Admission Policy for Perth and Kinross Council.

Resolved:

- (i) For the purpose of consultation it be agreed the Council proposes to review the existing School Admission Policy to vary the admission arrangements in respect of the handling of catchment enrolments and placing requests for primary and secondary schools.
- (ii) The Executive Director (Education and Children’s Services) be requested to publish a Proposal Paper and formally consult the appropriate bodies and persons in relation to the proposal to vary the School Admission Policy, in terms of the Schools (Consultation) (Scotland) Act 2010.
- (iii) Authority be delegated to the Executive Director (Education and Children’s Services) to investigate and manage any alleged omissions or inaccuracies during the consultation process and to take appropriate action in accordance with The Schools (Consultation) (Scotland) Act 2010.
- (iv) The Executive Director (Education and Children’s Services) be requested to prepare a report on the results of the consultation and report back on the outcome of these consultations at a future meeting of the Lifelong Learning Committee.

431. APPOINTMENT OF CHURCH REPRESENTATIVE AND PARENT COUNCIL REPRESENTATIVES TO THE LIFELONG LEARNING COMMITTEE

There was submitted a report by the Head of Legal and Governance Services (19/244) bringing confirmation from the Roman Catholic Church of a replacement representative on the Committee following the retirement of Mrs Margaret McFarlane and advising of nominations received to fill vacancies on the Committee for two Parent Council representatives, one to represent primary schools and one to represent secondary schools.

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Resolved:

- (i) The appointment of the Very Reverend Doctor Canon Thomas Shields as the Roman Catholic Church representative on the Lifelong Learning Committee as reflected in paragraph 8.1 of the Council's Scheme of Administration be noted.
- (ii) There being no other nominations received it be agreed to confirm the appointment of Mr Martin Gowrie as the Primary School Parent Council Representative on the Lifelong Learning Committee, as reflected in paragraph 8.1 of the Council's Scheme of Administration, until the next local government elections in May 2022 be approved.
- (iii) Mr Andy Charlton be appointed as the Secondary School Parent Council Representative on the Lifelong Learning Committee, as reflected in paragraph 8.1 of the Council's Scheme of Administration, until the next local government elections in May 2022.

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## **EXECUTIVE SUB-COMMITTEE OF THE LIFELONG LEARNING COMMITTEE**

Minute of Meeting of the Executive Sub-Committee of the Lifelong Learning Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Monday 20 May 2019 at 10.00am.

Present: Councillors C Shiers, W Wilson, J Duff (substituting for Councillor Purves), X McDade and J Rebbeck.

In Attendance: R Hill, Head of Education – Secondary; S Johnston, Head of Education – Early Years and Primary; J Chiles, S Hatch, S Haxton, D Millar and L Douglas Head Teacher, Newhill Primary School (all Education and Children's Services); L Brown, Corporate and Democratic Services.

Apology for Absence: Councillor C Purves.

Councillor C Shiers, Convener, Presiding.

### **1. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting. An apology for absence was noted as above.

### **2. DECLARATIONS OF INTEREST**

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 Executive Sub-Committee of the Lifelong Learning Committee of 25 March 2019 was submitted, approved as a correct record and authorised for signature.

### **4. INSPECTIONS OF SERVICES FOR CHILDREN AND YOUNG PEOPLE BY THE CARE INSPECTORATE**

There was submitted a report by the Executive Director (Education and Children's Services) (19/148) setting out the key findings following the unannounced inspection of Perth and Kinross Council's Woodlea Cottage carried out in December 2018 and published in January 2019 by the Care Inspectorate.

#### **Resolved:**

The findings of the inspection of Woodlea Cottage as detailed in Appendix 1 to Report 19/148 and the grading history as detailed in Appendix 2 to the report be noted.

**5. SUMMARY REPORT ON CARE INSPECTORATE AND EDUCATION SCOTLAND INSPECTIONS**

There was submitted and noted a report by the Executive Director (Education and Children's Services) (19/149) providing an overview of the performance of Education and Children's Services inspected and reported over the past year by the Care Inspectorate and Education Scotland, since the previous report of this type and setting out the Service's approach to implementing improvement actions arising out of inspection.

**6. STANDARDS AND QUALITY IN SCHOOLS, LEARNING COMMUNITIES AND PRE-SCHOOL CENTRES/DAY CARE OF CHILDREN**

There was submitted a report by the Executive Director (Education and Children's Services) (19/150), setting out the key findings following inspections of pre-school centres and schools undertaken by Education Scotland and, by exception, Care Inspectorate inspections on the day care of children since the Executive Sub-Committee of Lifelong Learning Committee on 25 March 2019.

**Resolved:**

The key findings of the inspections reports as appended to Report 19/150, be noted as follows:

- (i) Newhill Primary School (Appendix 1)
- (ii) Summary of Education Scotland inspections (Appendix 2)
- (iii) Education Scotland Inspections: National and Comparator Authority Benchmarking (Appendix 3)
- (iv) Summary of Care Inspectorate Day Care of Children Inspection (Appendix 4)

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PERTH AND KINROSS COUNCIL
LIFELONG LEARNING COMMITTEE (Art. 423(iii)) (Appendix II)
4 SEPTEMBER 2019

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 March 2019 at 2.30pm.

Present: **Representing Perth and Kinross Council**
Councillors J Duff, J Rebbeck and W Wilson (substituting for C Shiers); M Donaghy, D Henderson (substituting for S Devlin), R Hill, S Johnston and D MacLeod, (all Education and Children's Services); P Johnstone (Corporate & Democratic Services).

Representing Teachers' Associations
E Campbell, E Connon, J Cook, M Laurie, M Swan and C Weston (all EIS); M Mackie (SSTA) and S Topen-Cooper (NASUWT).

In Attendance: A McAuley, Joint Secretary (Trade Unions); C Flynn and C Irons (for Joint Secretary, Management).

Apologies: Councillor C Shiers; S Devlin and S Hagney (Management side); 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. CHANGE TO MEMBERSHIP AND APPOINTMENT OF VICE-CONVENER

It was noted that at the Council meeting of 27 February 2019, Councillor John Duff had been appointed to replace Councillor K Baird on the Joint Negotiating Committee for Teaching Staff. As a consequence, a new Vice-Convener required to be appointed.

Councillor W Wilson, seconded by Councillor J Rebbeck nominated Councillor J Duff. There being no other nominations, Councillor Duff was duly appointed Vice-Convener for the Management side.

4. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 4 December 2018 was submitted and approved as a correct record.

5. MATTERS ARISING

There were no matters arising.

6. REVISED PRINCIPAL TEACHER APPOINTMENT PROCEDURE AND GENERIC JOB PROFILES

There was submitted a joint report by the Executive Director (Education and Children's Services) and the Corporate Human Resources Manager (G/19/46) seeking agreement to introduce a revised appointment procedure for Principal Teachers and two generic Principal Teacher job profiles.

C Weston raised the following points:

- The last bullet point under accountability with regard to undertaking any other duties should be as per the SNCT handbook
- The information relating to equality and dignity reads as if there was still a Dignity at Work Policy and should refer to associated policies

P Johnstone responded that the Council was bound by the terms of the SNCT handbook and would look at that wording and confirmed there was no longer a Dignity at Work Policy and it was preferable that the wording was the same across the Council for equality and dignity issues.

The Committee:

- (i) The revised Principal Teacher Appointment Procedure, attached as Appendix 1 to Report G/19/46, be approved with immediate effect as a local agreement which will supersede any previous agreement.
- (ii) The revised generic Principal Teacher job profiles for Primary and Faculty Secondary, attached as Appendix 2 to Report G/19/46 and following amendment as discussed, be approved for implementation with immediate effect.

7. REPORTS OF VIOLENCE AND AGGRESSION AGAINST STAFF IN PERTH AND KINROSS SCHOOLS – TERM 2, ACADEMIC SESSION 2018/19

There was submitted a report by the Executive Director (Education & Children's Services) (G/19/47) which provided an analysis of reported incidents of violence and aggression against staff in schools during term 2 of academic year 2018/19.

It was noted there was a new electronic means of recording distressed and/or challenging behaviour which was being rolled out to all schools.

It was also noted that there had been an increase in the number of incidents and that further consideration had to be given to addressing the challenging behaviour and providing support in schools for teachers, pupils and parents.

S Johnston proposed a working group, to include Trade Union representatives, be established to look at an analysis of current practice, and to consider a more meaningful reporting format for JNCT.

Consideration be given to appropriate training being provided at an In-Service day rather than training being arranged by individual schools.

C Weston noted that the figures in the report appeared to be inaccurate and requested that they be reviewed. She also raised the issue of pupils with additional support needs being involved in many of the incidents and the requirement to provide appropriate support. She stated that staff are raising behaviour as a major issue.

Councillors Wilson and Rebbeck stated that they were committed to supporting staff, pupils and parents.

The Committee:

- (i) Noted the content of Report G/19/47.
- (ii) Noted a Working Group would be established to address the rise in Violence and Aggression in schools.

8. BERTHA PARK HIGH SCHOOL

R Hill gave an update on the Bertha Park High School which was to open in August 2019 initially for S1 and S2 pupils and also showed a video of staff in the new school.

The Committee noted the position.

9. BUDGET UPDATE

R Hill provided an update on the 2019/20 budget which had been approved by the Council on 20 February 2019.

The committee noted the position.

10. PROPOSED HEALTH AND WELLBEING FRAMEWORK

There was submitted a report by the Corporate Human Resources Manager (G/19/48) on a proposed Health and Wellbeing Framework for all Council staff.

It was noted the Framework supersedes the local agreement on Health and Attendance Procedure for teachers and also the corporate policy on Maximising Attendance and Procedure for Non-Teaching Staff.

P Johnstone advised the Council wanted a single procedure for all staff, providing a holistic framework including engagement with staff to reduce absences.

C Weston requested that the proposal to enable the Executive Director or nominated officer authority to dismiss a teacher not be adopted and it remain as only the Executive Director as stated in the SNCT handbook.

P Johnstone agreed to that change and would consider how it could be implemented in practice.

The Committee:

- (i) Noted the implementation of the Health and Wellbeing Framework, following the change to only the Executive Director (Education and Children's Services) having authority to dismiss a teacher and its approval by the Strategic Policy and Resources Committee on 17 April 2019.
- (ii) The declassification of the Health and Attendance procedure for Teachers as a Local Agreement, be approved.

11. CHILDREN AND YOUNG PEOPLE'S HEALTH AND WELLBEING CENSUS AND PARENTAL INVOLVEMENT AND ENGAGEMENT SURVEY

There was submitted a briefing note on the Scottish Government's intention to launch a Children and Young People's Health and Wellbeing Census and Parental Involvement and Engagement Survey (G/19/49).

S Johnston provided background to both the Census and the Survey advising that the census results would be published in December 2020 and would be reported to the JNCT.

The Committee noted the position.

12. ANY OTHER COMPETENT BUSINESS

(i) Health and Wellbeing

S Topen-Cooper requested that the annual staff survey include information on Health and Wellbeing.

P Johnstone advised that the Council may be engaging differently with staff in future with the development of the Perth and Kinross Offer but consideration would be given to the inclusion of health and wellbeing.

13. DATE OF NEXT MEETING

18 June 2019 at 2.30pm.

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