

Perth and Kinross Council
Planning & Development Management Committee – 18 October 2017
Report of Handling by Interim Development Quality Manager

Erection of an agricultural building for free range egg production and associated works at Wilson Cordon Farm, Abernethy, Perth, PH2 9LN

Ref. No: 17/01234/FLL

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of a detailed planning application for the erection of an building for free range egg production and associated works at Wilson Cordon Farm, Abernethy

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the erection of an agricultural bulding which will house a free range egg laying unit which is proposed to accommodate 32,000 free range laying hens. The site is located within a field within an existing farm called Cordon Farm which is located to the north of Abernethy. The existing farm extends to 750 acres of arable farm land which produces cereals and potatoes.
- 2 The proposed building extends to 163m x 16m in footprint and is proposed to be 5.6m to ridge height. A central area is proposed between the two egg laying areas which is proposed to be used for packing and storage of eggs. The building includes four feed bins, an access track to the existing farm access road and associated hardstanding to allow for parking and turning of vehicles. An attenuation pond for sustainable drainage is also proposed.
- 3 The submission indicated that the proposed building would operate on a 60 week production cycle with birds purchased at point of lay (17 weeks) and housed within the building for 60 weeks.
- 4 The bird housing area is proposed to include tiered perches which are located over manure belts. The manure belts will allow manure to be removed from the building on a twice weekly basis which helps to limit odour.
- 5 The nest boxes for birds will be located adjacent to the perch areas and angled towards an egg conveyor which leads to the packing area mentioned above.
- 6 There will be lighting within the building on a timeswitch providing lighting 14 hours per day. There is also a ventilation system proposed within the building with roof inlet vents and fans.

- 7 An external pasture area is also proposed with holes in the west elevation to allow access between 0800 to 2100 daily. The pasture area extends to 1 hectare for every 2000 birds and therefore extends to 16 hectares of grassland.

ENVIRONMENTAL IMPACT ASSESSMENT

- 8 Due to the scale and type of the proposal it was required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening opinion of the application determined that the proposal was not EIA development.

NATIONAL POLICY AND GUIDANCE

- 9 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 10 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 11 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Paragraphs 24 – 35: Sustainability :
 - Paragraphs 36 – 57: Placemaking
 - Paragraphs 193 – 218: Valuing the Natural Environment
 - Paragraphs 219 – 233: Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268: Managing Flood Risk and Drainage
 - Paragraphs 269 – 291: Promoting Sustainable Transport and Active Travel
- 12 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal,
- PAN 3/2010 Community Engagement
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport

DEVELOPMENT PLAN

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2012-2032

- 14 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 15 *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 16 The following section of the TAYplan 2012 is of particular importance in the assessment of this application.

Policy 3: Managing TAYplan’s Assets

- 17 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Perth and Kinross Local Development Plan 2014

- 18 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
- 20 Under the LDP, the following policies are of particular importance in the assessment of this application.

PM1A: Placemaking

- 21 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

- 22 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 23 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 24 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED3 – Rural Business and Diversification

- 25 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

Policy TA1A - Transport Standards and Accessibility Requirements

- 26 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 27 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE2A - Forestry, Woodland and Trees

- 28 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 29 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 30 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy EP2 - New Development and Flooding

- 31 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 32 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 33 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 34 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP3D - Water, Environment and Drainage

- 35 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 36 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy HE1A - Scheduled Monuments

- 37 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument.

Policy HE1B - Non Designation Archaeology

- 38 The Council seek to protect areas or sites known to have archaeological interest and their settings.

OTHER POLICIES

- 39 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

SITE HISTORY

- 40 07/00487/FUL - Erection of a steel framed agricultural grain store and general storage building – Approved March 2007 under delegated powers.

CONSULTATIONS

EXTERNAL

- 41 **Scottish Water** – sufficient capacity for development.
- 42 **Abernethy Community Council** – no objection but concerned regarding unpleasant odours and wish to see condition control over odour management.

INTERNAL

- 43 **Perth and Kinross Heritage Trust**
Given the location of the proposed development site adjacent to Carey temporary camp, it is recommended that an archaeological evaluation takes place to assess presence/absence, character and significance of archaeological deposits on the site.
- 44 **Environmental Health** – no objection subject to conditions to control odour and noise from development which is considered in more detail within the appraisal section below.
- 45 **Transport Planning** – no objection subject to condition securing additional passing place and Construction Traffic Management Plan.
- 46 **Developer Contributions** – exempt from contribution requirement.

- 47 **Flood Prevention Officer** – no objection.
- 48 **Bio Diversity Officer** – no objection subject to conditions.

REPRESENTATIONS

- 49 A total of ten letters of representation were received during the advertisement period for the application. This includes a letter from Abernethy Community Council. Of the ten letters, 6 object to the application and 4 raise comments neither supporting or objecting to the application (including the Community Council). A petition was also received which contains a list of 2317 names objecting to the application.
- 50 The representations and petition have raised the following relevant issues: -
- Odour
 - Noise
 - Traffic generation and access/congestion
 - Pollution
 - Landscape and visual impact
 - Animal welfare
 - Out of character with area/visual impact
 - Waste generation and storage
 - Bio diversity
- 51 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

ADDITIONAL STATEMENTS

52

Environment Statement	Not required
Screening Opinion	Yes
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Flood Risk Checklist, Noise Assessment, Odour Assessment, Transport Statement, Ecology Report, Flood Risk and Drainage Report

APPRAISAL

Policy Appraisal

- 53 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy to be considered are outlined in the policy section above and referred to below.

Principle

- 54 Due to the nature of the process involved in the production of eggs, the proposed development requires to be in an isolated location. LDP Policy ED3 – Rural Business and Diversification provides support for the creation of new businesses in rural areas and sites outwith settlement boundaries may be acceptable if they are related to a specific resource or opportunity.
- 55 As the development requires to be in an isolated location but with close proximity to the transport network, it is considered that the principle of the introduction of a new agricultural operation accords with the objectives of the Development Plan provided that detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan with regard to: the impact on the landscape and visual impact of the proposal; traffic implications and effects on neighbouring amenity such as odour and noise.

Landscape Character and Visual Impact

- 56 The supporting Planning Statement concludes that the landscape impacts of the development would be of minor significance. Applying LDP Policies PM1 and ER6 the proposed development is not located in a special landscape area or near to historic and cultural environments.
- 57 The proposed design and building height (5.6m to ridge) adjacent to a woodland plantation respects the site's level topography and skyline, as well as the wider landscape character of the area. Furthermore additional woodland planting is proposed to the west and south of the building as part of the range area for the birds which will provide further screening and effectively surround the building with woodland. The existing woodland plantation, together with the proposed planting will help to safeguard views, viewpoints and landmarks and thus protect the site's visual integrity and identity. Full details of the proposed tree planting will be requested by condition (Condition15).
- 58 The form, location and nature of existing woodland and proposed planting is considered appropriate and would assist in effectively assimilating this large range of buildings within the surrounding landscape. A condition on any

planning approval would be necessary to secure the implementation and maintenance of any compensatory planting.

- 59 To ensure effective integration with landscape a condition is recommended to confirm that the finishing materials and colour of the new buildings will be dark green to complement the surrounding woodland.

Effects on Neighbours/Amenity

- 60 The application contains provision for poultry sheds with capacity for 32,000 free range hens in 2 x 16,000 bird sections with an egg packing area in the centre of the two sections. An application of this scale therefore has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The closest existing residential property outwith the applicants ownership is approximately 375m away. The closest existing property within the applicants ownership is Cordon Farm House at approximately 140 metres away.

Noise

- 61 Environmental Health have assessed the potential impact of the proposed development on residential properties in the area. A Noise Impact Assessment (NIA) has been submitted with the application. The NIA relates to the potential for plant and has been prepared in accordance with BS4142:2014 'Method for Rating and Assessing Industrial and Commercial Sound'. The NIA concluded that the noise from the development would not adversely affect residential amenity at the closest residential properties during either the daytime or night time periods. Environmental Health have accepted the outcomes indicated within the NIA but have recommended conditions to control noise from plant and equipment (Conditions 9 & 10).
- 62 As a consequence the proposal is therefore considered to comply with LDP Policy EP 8 – Noise Pollution. However, as a precaution the recommended noise conditions (conditions 9 & 10) are proposed to protect amenity should any complaints be received.

Odour

- 63 Concerns have been expressed in letters of representation regarding the potential odour from the operation. The submission includes an Odour Assessment (OA) which modelled the potential odour. Environmental Health have also been consulted on this aspect of the proposal and offered comments on the OA.
- 64 The OA stated that the bird housing areas will follow Best Available Technology, with tiered perches over manure belts thus ensuring manure is removed twice weekly by an elevator system into agricultural trailers and transported away from the building and stored until spread as a sustainable fertiliser at the existing farm. Thus odour and ammonia production is reduced within the bird housing areas.

- 65 The submitted OA was undertaken by consultants AS Modelling & Data Ltd. The OA assessed the odour emission rates from the proposed poultry house by using an Atmospheric Dispersion Modelling System (ADMS).
- 66 The modelling predicted that at all the residential receptors considered within the OA, the odour exposure levels would be below SEPAs benchmark for moderately offensive odours, a 98th percentile hourly mean of 0.3ou_g/m³ over a one year period. Environmental Health have advised that they agree with the criteria and findings of the OA but have advised that there is still potential for odour to affect residential amenity and have therefore recommended that an Odour Management Plan (OMP) be submitted to ensure the Council maintains control over odour associated with the development. Furthermore the OMP would have several elements including control, monitoring and review/contingencies.
- 67 The OMP is a living document that formalises and sets control and management measures to ensure that the proposed development operates best practicable means to control/minimise odour emissions from the site to existing residential receptors.
- 68 The OMP is a control measure and as such the underlying mitigation and control measures contained within the OMP must be robust and effective. It is important that the OMP is comprehensive, to allow the Planning Authority, on the receipt of any complaint, to assess that Best Practicable Means are being achieved and complied with. All of the above can be secured by suitably worded planning conditions (Conditions 11 & 12).

Traffic and Transportation

- 69 Both the Design and Access Statement and Transport Statement submitted with the application identified both construction and operational traffic movements to and from the site. The development is proposed to be accessed from Hatton Road which is a single lane road which provides access to the A913. There is an existing passing bay on this road.
- 70 The Transport Statement indicates the extent of traffic associated with the existing farm over a 12 month period which equates to the following:
- | | |
|---------------------------|------------------------------|
| Grain Out – | 96 lorries |
| Potatoes Out – | 38 lorries |
| Seed in – | 1 lorry |
| Fertiliser In – | 12 lorries |
| Empty potato boxes – | 24 lorries |
| Hen pen in (hen litter) – | 45 tractor and trailer loads |
- 71 All existing HGV traffic associated with the farm uses Hatton Road due to the height restrictions along Cordon Farm Road.

- 72 The operational movements associated with the proposal will be associated with egg collection and feed delivery and are outlined in detail within the Transport Statement and may be summarised as follows:

Bird feed – one delivery every 7 days by 16.5m articulated lorry.

Egg collection – two collections every 7 days by 16.5 m articulated lorry

Dead bird removal – every 7 days by box van

Delivery of hens – during week 1 by articulated lorries (four deliveries)

Staff movements – two cars per day (4 movements)

Manure removals – no movements as manure proposed to stay on site as fertiliser for the farm.

- 73 Overall the proposal will generate three HGV visits (6 movements) and 14 cars/vans (28 movements) per week. Furthermore given the nature of the proposal there will be cycles where there is minimal activity on the site. It is noted that there will be bird delivery undertaken at the beginning of the cycle period. The farm currently imports hen manure for fertiliser equating to 45 tractor and trailer loads per annum and these movements will no longer be required.

- 74 The site benefits from an existing access onto Hatton Road and then into the A913 Perth Road at the western side of Abernethy. As such the vehicle movements associated with the proposal will turn right out of Hatton Road onto the A913 towards the M90 motorway. Vehicles will turn left onto Hatton Road from the A913 when entering the site. As such the vehicles associated with the proposal will not require to travel through the main central part of Abernethy. A condition (Condition 7) is recommended to ensure vehicles adhere to this routing. Overall the traffic generation associated with the development is considered to be acceptable. Transport Planning have confirmed that they are content with the proposals but have recommended a condition that a further passing place be installed on Hatton Road, also included as Condition 6.

- 75 There will also be construction traffic associated with this proposal but this will be limited and be for a temporary period, nevertheless, for the avoidance of any doubt Transport Planning have recommended a Condition (7) requesting a Construction Traffic Management Plan (CTMP) to minimise impact on the local community during construction.

Archaeology

- 76 Carey temporary camp (Scheduled Monumnet 9449) which is thought to date from the late 1st century AD is located within close proximity to the application site. On that basis Perth and Kinross Heritage Trust have recommended a condition that an archaeological investigation be undertaken to assess the

presence/absence, character and significance of archaeological deposits on the site in accordance with Policy HE1A and B of the LDP, included as Condition 8.

Economic Impact

- 77 The submission indicates that the existing farm is attempting to diversify its operation and will result in the creation of new permanent employment in the form of two full time equivalent jobs. There is also likely to be associated economic opportunities in terms of the construction period and secondly jobs in haulage, veterinary science, agriculture and animal feed production. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

Waste Collection and Storage

- 78 The submission indicates that waste from the proposed building will be utilised as fertiliser on the existing farm. There will be a requirement to ensure this waste is dealt with appropriately to minimise odours and this can be addressed through the Odour Management Plan (Condition 11) recommended by Environmental Health.

Developer Contributions

- 79 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 80 However, the proposal is for an agricultural building which is exempt from the Transport Infrastructure Contributions.

Biodiversity

- 81 An ecology report has been submitted with the application and no major concerns relating to bio diversity were identified within the report. The Council's Bio Diversity Officer has commented on the document and indicated that the recommendations included within the study including enhancements should be ensured through conditions. Furthermore it is recommended that the building accommodates swift and bat bricks into the building and this can be secured through conditions. As such, subject to the recommended Conditions (2, 3 & 4) the proposal is considered to comply with policy NE3 of the LDP.

Trees

- 82 No trees are proposed to be felled to accommodate the development, however there is a large area of woodland directly adjacent to the site which helps to provide the building with an appropriate setting and screening. As such it is recommended that a condition is attached to any consent which requires these trees are protected during construction operations to ensure they remain healthy and the screening and setting for the building is retained. The plans

propose additional planting to the west and south of the planting to effectively screen the building. This detail and phasing of this planting will be secured by Conditions (15, 16, 17 & 18)

Flooding and Drainage

- 83 The site is located outwith areas identified as flood risk and on that basis the Council's Flood Prevention Officer has offered no objection to the application. The proposal is therefore considered to comply with Policy EP2 of the LDP. A condition (19) is recommended to ensure surface water drainage is catered for through an appropriate Sustainable Urban Drainage System (SUDS) to accord with policy EP3C of the LDP (Condition 19).

Animal Welfare

- 84 It is noted that letters of representation together with a petition have been received which express concern regarding the welfare of birds associated with the proposal. The application indicates that the operations will meet industry standards in relation to the housing and welfare conditions of livestock and the proposal is for free range egg production. Whilst these concerns are noted, nevertheless, this is not a material planning consideration and the responsibility for adherence to welfare standards will rest with Scottish Government through its Animal Health Division Offices.

Pollution Prevention and Control Regulations

- 85 Members should be aware that the threshold for regulation of poultry units under SEPA's Pollution Prevention and Control Regulations is 40000 bird places, therefore this development falls below that threshold and at this site it would be the Environmental Health Officers who would be the relevant consultee with regards to odour and noise. As such EH have recommended conditions to control odour and noise as outlined above.

LEGAL AGREEMENTS

- 86 None required.

DIRECTION BY SCOTTISH MINISTERS

- 87 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30–33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in, or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 88 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. It is clear that the primary intention of both the Development Plan and national policies is to support agriculture as

a major land use in the Plan area. The proposals for a free range poultry enterprise at Wilson Cordon Farm would accord with this broad objective provided that environmental and landscape issues are satisfactorily addressed by any new proposals.

- 89 Through the use of planning conditions the proposals could secure a satisfactory landscape fit, could have an acceptable relationship to nearby residential properties and would not adversely affect the local and national transport network.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 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 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).

- 3 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 the local planning authority.

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

- 4 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.

- 5 All operational traffic movements to and from the site shall be undertaken in accordance with the routing outlined in the Transport Statement hereby approved (doc ref:17/01234/13) to the satisfaction of the Council as Planning Authority.

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

- 6 Prior to the development hereby approved being completed or brought into use, a passing place shall be constructed in full to the south of the railway bridge to formalise the existing informal passing place. The passing place shall be constructed in accordance with the National Roads Development Guide to provide a minimum road width of 5.5 metres, 15 metres in length (excluding 1:2 metre splays. Prior to the commencement of any development on site a scaled drawing at 1:200 scale shall be submitted to and approved in writing by the Planning Authority which demonstrates the proposed location and works to form the passing place. The passing place shall be formed in accordance with these approved details.

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

- 7 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;
 - 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 - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 8 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.

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

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

- 10 Should any aspect of the operation of this facility lead to a breach of condition 9, within 14 days of a written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

- 11 Prior to the commencement of the development, an Odour Management Plan (OMA) shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. The management arrangements agreed within the approved OMA shall be strictly adhered to at all times.

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

- 12 Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Odour Management Plan must be submitted to the council within a specified agreed timescale.

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

- 13 Prior to the installation of any external lighting, the details of all external lighting 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 visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 14 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

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

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

- 16 Prior to the commencement of development, details of the tree planting proposed to the west and south of the building shall be submitted to and approved in writing by the Planning Authority. The agreed detail shall thereafter

be implemented prior to the completion of the development and completed in accordance with the timescales outlined in condition 16.

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

- 17 The planting scheme as approved under condition 15 shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

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

- 18 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

- 4 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.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 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.
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 8 The applicant should be aware of the SEPA's General Binding Rules of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and the Intake and Outfall Good Practice Guide https://www.sepa.org.uk/media/150984/wat_sg_28.pdf with regards the proposed treatment and discharge of treated surface water to the burn. Further information is available to the applicant in the CAR Practical Guide
- 9 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 10 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.

Background Papers: 10 letters of representation and 1 petition

Contact Officer: John Williamson – Ext 75360

Date: 5 October 2017

Anne Condliffe
Interim Development Quality Manager

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