

Perth and Kinross Council
Planning & Development Management Committee – 15 November 2017
Report of Handling by Interim Head of Planning

Erection of a restaurant/farm shop, formation of parking areas and associated works
(approval of matters specified in conditions 16/00298/IPM - Phase 1) land west of
Horn Farm Cottage, Errol

Ref. No: 17/00357/AMM
Ward No: N1- Carse of Gowrie

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Approval of matters specified in conditions is sought for phase 1 of the erection of a restaurant/farm shop, formation of parking areas and associated works at land to the west of The Horn Farm near Errol.
- 2 This proposal is part of the wider approved site and relates to phase 1 only which extends to approximately 0.93ha of agricultural land located to the east of the Inchmichael grade separated junction on the A90 - Perth to Dundee Road. The site is reasonably flat, contained to the west by the slip road, which leads off the interchange to serve the Horn Milk Bar and Perthshire Caravans and to the south by Errol Station Road. The site has good vehicular access via the interchange to both carriageways of the A90.
- 3 In February 2010, the Council granted outline planning permission for the development of roadside services on the site. That consent followed a long planning history, stretching back to 1990 when planning consent was granted for a roadside service centre. That consent was subsequently renewed in 1995, and again in 2005. The 2005 consent expired in January 2009; however a subsequent consent (09/01277/IPM) reinstated the permission on the site. A section 42 application was then granted in June 2013 (13/00394/IPM) and then again in August 2016 (16/00298/IPM) for an extension of time in relation to the submission of a detailed application and subsequent commencement of development. The 2016 permission requires the matters specified in conditions for phase 1 to be submitted for approval within 7 years of the date of the original approval (i.e. prior to 3rd March 2017). This current application forms the detail of phase 1 of the site and was submitted prior to this date in accordance with the condition.

- 4 This proposal relates to the relocation of the Horn Cafe restaurant, associated access and parking area, landscaping and drainage. The proposed restaurant is a single storey structure which extends to 49.2m in length and 16.9m in width. The building is proposed to be finished in a mixture of horizontal cladding, off white wet dash render and a steel profiled standing seam roof in a colour to be agreed. The design is proposed to reflect the surrounding agricultural character of the A90 corridor.
- 5 Vehicular access into the site is proposed from the north with a separate egress proposed adjacent to "Powside" along an existing farm track which was formerly used as the access to Errol from the A90 prior to the construction of the Inchmichael grade separated junction. The access track, which runs north west to south east through the site, is proposed to form part of a one way system for vehicles. The proposed restaurant is to be located to the north east of the existing track along with the proposed car parking area with coach and HGV parking on the south west side. A landscaping and planting scheme is proposed around the building and hardstanding area together and the access track. Further planting is proposed to the north of the site to provide screening and containment from the A90 trunk road.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 As the proposed development is a development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, it must be screened under those regulations to determine whether any likely significant environmental effects arising from this development in this location would require examination through Environmental Impact Assessment (EIA). A screening opinion has been historically carried out under the 2011 regulations, which concluded that undertaking an EIA was not required in this case.

PRE-APPLICATION CONSULTATION

- 7 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Given the historic consents on this site which were granted prior to the above regulations there is no requirement for a public consultation exercise to be undertaken for this application.

NATIONAL POLICY AND GUIDANCE

- 8 The Scottish Government expresses its planning policies through The National Planning Frameworks, 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

- 9 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.

Scottish Planning Policy 2014

- 10 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 11 Of relevance to this application are;
 - Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 12 A Successful, Sustainable Place:
 - Paragraphs 92- 108 Supporting Business and Employment
- 13 A Natural, Resilient Place;
 - Paragraphs 193 – 218 The Natural Environment
 - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 14 The following Scottish Government Planning Advice Notes (PAN) are also of interest;
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage

National Roads Development Guide 2014

- 15 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 16 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 17 TAYPlan sets out a vision for how the region will be in 2036 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:

“By 2036 the TAYplan area 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”

- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

Policy 2: Shaping Better Quality Places

- 20 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 6: Developer Contributions

- 21 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 22 Seeks to protect and enhance green and blue networks by ensuring that;
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

Policy 9: Managing TAYplans Assets

- 23 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 24 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

- 25 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

- 27 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

- 28 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

- 29 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 31 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 NE1A - International Nature Conservation Sites

- 32 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE3 - Biodiversity

- 33 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 EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 34 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 35 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 EP3B - Water, Environment and Drainage

- 36 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

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

Policy EP5 - Nuisance from Artificial Light and Light

- 38 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 39 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 HE1B - Scheduled Monuments and Non Designated Areas

- 40 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 41 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

OTHER POLICIES

- 42 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance (Draft) July 2014

Perth & Kinross Corporate Plan 2013-2018

- 43 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

SITE HISTORY

- 44 An original in principle planning consent on the site was obtained in 1990 (PK90/01045) for the development of Roadside Services. That consent was never implemented and was subsequently renewed in 1995, and then in 2005. The 2005 consent expired in January 2009, however a further consent in 2010 (09/01277/IPM) reinstated the in principle consent on the site. – Approved at Committee
- 45 13/00394/IPM Modification of existing consent (09/01277/IPM) condition 1(i) extended the time limit of the consent for a further 3 years - Approved at Committee
- 46 16/00298/IPM varied of condition 1 of permission 13/00394/IPM (Development of roadside service facilities (in principle)) to extend the time period for the commencement of the development – Approved at Committee

CONSULTATIONS

- 47 As part of the planning application process the following bodies were consulted:

External

- 48 **Perth And Kinross Heritage Trust** – condition recommended for archaeological evaluation.

- 49 **Dundee Airport Ltd** – no objection.
- 50 **Errol Community Council** – no objection.
- 51 **Scottish Environment Protection Agency** – no response within statutory period.
- 52 **Transport Scotland** – does not advice against the proposal

Internal

- 53 **Local Flood Prevention Authority** – requested additional drainage information and design calculations which have now been submitted and have now confirmed no objection. Conditions recommended regarding drainage and permeable paving.
- 54 **Transport Planning** – no objection.
- 55 **Environmental Health** – no objection and conditions recommended regarding noise, lighting, ventilation.
- 56 **Development Contributions Officer** – no contribution required.

REPRESENTATIONS

- 57 The following points were raised in the two letters of representation(s) received. This includes a letter from the Errol Community Council advising that they have no objections to the proposal.
- No details of location of buildings associated with future phases.
 - Insufficient overnight parking for lorries.
- 58 These issues are addressed in the Appraisal section below. The comments relating to future phases of the development and where these will be located are not relevant at this stage as this proposal relates to phase 1 only. A further application will be required for the detail associated with phase 2 of the site.

ADDITIONAL STATEMENTS

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Environment Statement	Not Required
Screening Opinion	Previously undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Flood Risk Assessment, Drainage Design and Calculations

APPRAISAL

Policy Appraisal

- 60 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 61 The Development Plan is made up of the TAYplan Strategic Development Plan 2016 and Perth and Kinross Local Development Plan 2014 (LDP). There is also a series of supplementary guidance. The policies and guidance relevant to this application are outlined within the policy section above.

Principle

- 62 The principle of developing the site to form a new restaurant and associated infrastructure has been established through the historic in principle consents, the most recent of which refers to Policy ED3 of the PKLDP which relates to rural business and diversification.

Scale, Layout and Design

- 63 The proposed layout makes use of the existing track through the site to provide an access from the south with the car and coach/HGV parking positioned on either side of the access and as such the layout seeks to relate to an existing feature in an otherwise flat rural landscape. It is clear from the submission that the design of the proposal seeks to maintain the visual connections and characteristics of the existing Horn Milk Bar to the north east. The design proposes a portal frame structure with materials which are considered to reflect the rural character of the location. The scale and form of the building is considered to relate appropriately to its context and the single storey rectangular footprint will sit comfortably on the flat site. The orientation of the building considers the position of the public road to the south west with the side elevation facing the road. The principle gable elevation where the main entrance is proposed will face north west towards the A90 with the iconic cow positioned above the doorway replicating the design of the existing Horn Milk Bar which is clearly visible from the A90 also. A mixture of finishing materials are proposed including horizontal cladding, wet dash harling and profiled metal sheeting all of which are considered appropriate in this context. Full details of the finishing materials will be requested through condition 2.
- 64 The associated coach and car parking areas are to be finished in gravel with the hardstanding around the building finished in brick pavers and the land around the building remaining as grassland. The parking spaces are to be delineated by a series of timber posts and logs which is considered to relate well to the agricultural aesthetic sought by the design of the restaurant building.

- 65 The servicing area for the restaurant is proposed to the north east of the restaurant in the least visible area of the site and is proposed to be contained by new landscaping. The Sustainable Urban Drainage System (SUDS) is proposed to the east of the restaurant building, the details of which will be considered in more detail below.
- 66 Overall the form, design, massing and scale of the building is considered to be acceptable in the context of the wider area and the adjacent A90 and the layout of the site seeks to relate to the adjacent A90 and public road to the south. As such the proposal is considered to comply with policies PM1A and B of the LDP which relate to placemaking.

Landscaping

- 67 A detailed landscape layout has been submitted with the application to address the requirements of condition 5 of the planning permission in principle which requires a minimum landscape buffer depth of 20 metres around the wider application site. This condition refers to the wider 8 hectare planning application site which includes the phase 2 development proposals and as such there is no specific requirement to provide a 20m buffer around the proposed restaurant and car park specifically. The northern boundary of this phase 1 application site is the north boundary of the wider site so additional landscaping is proposed here in the form of a buffer between the public road and A90 to the north and the proposed building. This area is proposed to be planted with an orchard area to include apple, pear and plum trees and this will help to provide an element of screening of the proposed car parking area from the A90. Around the proposed restaurant and car parking area is a mixed native hedgerow and beech hedging with interspersed sessile oak trees. The extent of landscaping for this particular phase of the development is considered to be acceptable given the scale of the building and hardstanding area. As such the proposal complies with the relevant elements of the Development Plan where it refers to landscaping and meets the requirements of condition 5 of the planning permission in principle.

Traffic and Transport

- 68 The site is proposed to utilise the existing Errol Farm Road which previously served as an access point into Errol prior to the construction of the Inchmichael junction on the A90. Traffic will enter the site from the north and a one way system is proposed with all vehicles leaving the site from the south. There are sufficient car parking and coach/HGV parking facilities indicated on the submitted site layout, together with cycle parking facilities given the sites close proximity to National Cycle Route 77 (Dundee to Pitlochry). The layout also proposes the provision of electric car charging points. The service access is proposed adjacent to the north east elevation of the building with a refuse area in this location also. The layout is considered sufficient to cater for the level of traffic generated and there are sufficient turning facilities to allow cars, coaches, HGVs and service vehicles to enter and leave the site in a forward gear. Transport Planning and Transport Scotland have offered no objections to the application. As such the proposal addresses the requirements of condition 8 of

the planning permission in principle and meets the criteria contained within Policy TA1B of the LDP.

Drainage and Flooding

- 69 Policy EP2 relates to flooding and states that 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 possibility of flooding from any source. Condition 10 of the planning permission in principle requires the proposal to accord with the recommendations contained with Perth and Kinross Council 'Developers Guidance Note on Flooding and Drainage' (June 2014). Furthermore condition 9 requires each phase of the development to ensure that no land raising or erection of solid boundaries occurs within the 1 in 200 year floodplain. On that basis a Flood Risk Assessment and detailed drainage design for the site, including a Sustainable Urban Drainage System (SUDS) has been submitted. It is noted from the drawings that no land raising or built development is proposed within the 1 in 200 year flood plain and as such condition 9 has been addressed. For the avoidance of any doubt this condition will remain.
- 70 A detailed drainage design has been submitted including calculations and PKC Flooding have confirmed that the detailed designs and calculations submitted are considered acceptable.
- 71 In accordance with the submitted FRA the finished floor level of the building should be no lower than 11.37m and this is identified on the submitted site layout.
- 72 PKC Flooding have confirmed that part of the car parking area is located within the 1 in 200 year flood risk area and therefore requires to be constructed using a permeable surface. This can be secured by condition (6).
- 73 The proposal is now considered to meet the requirements of conditions 9 and 10 of the planning permission in principle and accords with Policy EP2 of the LDP.

Developer Contributions

- 74 The Council 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.
- 75 This site has an existing consent (16/00298/IPM) which was itself a renewal of an earlier consent which predated the adoption of the Transport Infrastructure Supplementary Guidance. As such the Guidance did not apply to that In Principle application. The current application is for the approval of matters specified in conditions for 16/00298/IPM. The Guidance will therefore not apply.

Residential Amenity

- 76 There is potential for odour and noise from the proposed restaurant to give rise to nuisance and loss of amenity to nearby residential receptors. Environmental Health have indicated that they do not have any significant concerns given the position of the site relative to residential properties which are some distance away. They have, however, recommended conditions relating to servicing and deliveries, noise, ventilation and external lighting (7 - 11) which match those outlined in condition 6 of the planning permission in principle.
- 77 Given the position of the building there is not considered to be any impact on residential amenity in terms of overlooking or overshadowing. Whilst the proposal will generate traffic, the level of traffic proposed can be catered for on the existing road network without any significant detriment to residential amenity. The proposal therefore accords with the criteria relating to residential amenity contained within policies PM1A and B, ED3 and EP8 of the LDP

Lighting

- 78 No indication of lighting for the site has been provided with the submission. Details of the proposed lighting can be requested and secured by condition (10) to ensure compliance with condition EP5.

Ecology/Biodiversity

- 79 Policy NE3 of the LDP requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not.
- 80 The site is currently grazing land. It is considered that the development of this site is unlikely to have any significant impact on any protected species. It is acknowledged that the undisturbed nature of the site will provide a habitat for various insects and wildlife but the site could be developed without having a significant impact on the biodiversity of the local area. The proposed landscaping on the site will provide long term bio diversity opportunities.

Archaeology

- 81 Policy HE1B seeks to protect the integrity of areas or sites of known archaeological interest and their settings. Similar to the planning permission in principle a condition (12) is recommended to ensure an archaeological evaluation is undertaken to accord with the consultation response provided by Perth and Kinross Heritage Trust (PKHT). This will ensure that the proposal complies with Policy HE1B of the LDP.

Economic Impact

- 82 The proposal will directly support a longer term future and more appropriate location for the re-siting of the established Horn Café business. The applicant

has advised that 'The Horn' presently employs 12 full time / part-time catering staff in the restaurant and shop. Following construction of the new facility to accommodate 160 covers, it is anticipated a further 12 new positions will be required; thereby doubling staff numbers.

LEGAL AGREEMENTS

- 83 None required

DIRECTION BY SCOTTISH MINISTERS

- 84 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

- 85 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Tayplan 2016 and the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 86 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application subject to the following conditions and reasons:

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.

The approved scheme shall thereafter be maintained, 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; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority

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

- 5 No landraising or the erection of solid boundaries within the 1 in 200 year floodplain identified on drawing number 17/00357/11 is permitted.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 6 The car parking area located within the 1 in 200 year floodplain identified on drawing number 17/00357/11 shall be constructed using a permeable surface and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 7 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.

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

- 8 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

- 9 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.

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

- 10 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

- 11 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

- 12 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.

- 13 Prior to the commencement of the development hereby approved, 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 will be submitted to and be approved in writing by the Planning Authority. 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 of that phase shall be fully undertaken in accordance with the agreed details.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 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 unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D 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. 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.

- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 2 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 2 November 2017

NICK BRIAN
INTERIM HEAD OF PLANNING

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.