

Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/210)

**PROPOSAL:** 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

**LOCATION:** Branston Ltd, Back Dykes, Abernethy, Perth, PH2 9RR

Ref. No: [18/01016/FLL](#)

Ward No: P9 - Almond and Earn

### **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 Full planning permission is sought for a number of changes and extensions to the operational buildings at Branston Ltd, a potato production, growing, collection, grading, washing and distribution company located on Back Dykes, Abernethy. The proposals seek to develop the existing buildings on the operational site and also extend the site to the east onto existing greenfield and brownfield land which is within the applicant's ownership. The existing site forms part of a designated Employment Site in the Perth and Kinross Local Development Plan 2014. The extended area to the east is designated as part of a Mixed Use site (MU8) along with the adjacent field to the east. Members will recall that an application for the erection of 39 houses on part of this mixed use site was approved at the Planning & Development Management Committee on 8 May 2019 and planning permission will be issued following the signing of a Section 75 Agreement (ref: [17/02190/FLL](#)).
- 2 Branston Ltd is an established, privately owned British company who specialise in potato production, growing, collection, washing, packaging and distribution for a number of retail, wholesale and food manufacturing customers. The company operates from three operational bases through the UK, one of which is the Abernethy site. The site at Abernethy is identified in the submission as being a key and strategically important site and the only Branston site in Scotland. It is accessible to the important potato growing areas of Perthshire, Fife, Angus and Aberdeenshire given its proximity to the M90 motorway. Potatoes are currently received at the buildings and stored temporarily before

movement through the washing, grading and packaging process prior to distribution. Storage on site is normally up to 3 weeks.

- 3 The depot currently operates 7 days per week, 363 days per year and produces 66000 sales tonnes. There are 120 personnel employed on the site who operate a two shift production system. The submission indicates that the number of staff is not proposed to increase as the increase in output is being delivered through efficiency and process.
- 4 The submission indicates that the proposal seeks to upgrade the crop conditioning facilities and increase the annual throughput to 80000 tonnes. It is also proposed to provide improved vehicular access, improved traffic safety within the site and improve product handling capacity and on site storage whilst enhancing facilities for staff.
- 5 The existing site is well screened from the public realm and adjacent housing by existing landscaping in the form of tall leylandii hedging which occupies the land between the houses to the south and the main depot and associated car parking and hardstanding areas. Most of this landscaping is proposed to be removed to accommodate the new development. The development is proposed to extend the existing operation into an adjacent greenfield site to the east and south east of the site and also into an area of brownfield land which was previously occupied by a now demolished petrol filling station.
- 6 The proposals involve:
  - Re-opening an existing vehicular access into the site at the eastern edge of the site onto the public road
  - Construction of a new service road
  - Construction of a larger improved staff vehicle parking area
  - Erection of a long term potato cold store
  - Enlargement of the existing service yard
  - Extensions to the existing buildings (intake area, packaging area equipment store and office)
  - Erection of acoustic bunds and fencing on site boundaries
  - Additional landscaping

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse

effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 9 A screening exercise was undertaken which concluded that an EIA Report was not required. A copy of the screening exercise can be found on the Council's planning portal under reference 17/01940/SCRN.

## **NATIONAL POLICY AND GUIDANCE**

- 10 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**

- 11 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**

- 12 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.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74-83
  - Supporting Business and Employment: paragraphs 92-108
  - Valuing the Historic Environment : paragraphs 135-151
  - Managing Flood Risk and Drainage : paragraphs 254-268
  - Promoting Sustainable Transport and Active Travel : paragraphs 269-291

## **Planning Advice Notes**

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- 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 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

## **Creating Places 2013**

- 15 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

## **National Roads Development Guide 2014**

- 16 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.
- 17 **BS4142:2014** (Methods for Rating and Assessing Industrial Noise).
- 18 **BS8233:2014** Guidelines on Sound Insulation and Noise Reduction for Buildings
- 19 **World Health Organisation (WHO) Community Guidelines – 1999**, WHO Night Noise Guidelines for Europe – 2009

## **DEVELOPMENT PLAN**

- 20 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**

- 21 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.”*

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

### **Policy 1: Locational Priorities**

- 23 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. Tier 2 settlements also have the potential to make a major contribution but will accommodate a smaller share of the additional development. Tier 3 settlements play an important but more modest role and will therefore accommodate a small share of the growth.
- 24 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 25 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

### **Perth and Kinross Local Development Plan 2014**

- 26 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.
- 27 The extended area to the east is designated as part of a Mixed Use site (MU8) along with the adjacent field to the east.
- 28 The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

- 29 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**

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

### **Policy PM2 - Design Statements**

- 31 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**

- 32 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 ED1A - Employment and Mixed Use Areas**

- 33 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 34 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 HE3A – Conservation Areas**

- 35 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

### **Policy NE2B - Forestry, Woodland and Trees**

- 36 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**

- 37 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 NE4 - Green Infrastructure**

- 38 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

#### **Policy EP2 - New Development and Flooding**

- 39 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**

- 40 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**

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

#### **Policy EP5 - Nuisance from Artificial Light and Light**

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

#### **Policy EP8 - Noise Pollution**

- 43 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.

#### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 44 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended

modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 45 89/01531/FUL Erection of Potato Grading Building Decision Issued 15 November 1989 Application Approved - Delegated Powers
- 46 89/02175/FUL Change of Use of Potato Store to Offices/Toilets Decision Issued 15 February 1990 Application Approved- Delegated Powers
- 47 93/00559/FUL Erection of a storage shed Decision Issued 22 June 1993 Application Approved-Delegated Powers
- 48 00/00972/FUL Extension to storage shed at Decision Issued 7 August 2000 Application Approved – Development Control Committee
- 49 01/01447/FUL Change of use of land from agricultural to non-hazardous storage (potato boxes)Class 7B and associated landscaping – Decision Issued December 2001 – Application Approved - Development Control Committee
- 50 [06/00335/FUL](#) Construction of 2 loadhouses with below ground access ramp and the erection of a smoking shelter Decision Issued 29 May 2006 Application Approved -Delegated Powers
- 51 [06/01261/FUL](#) Erection of 2 storey extension to existing factory building to accommodate welfare facilities (toilets, lockers, canteen and meeting room) Decision Issued 29 August 2006 Application Approved
- 52 [08/00933/FUL](#) Relocation of effluent treatment plant Decision Issued 22 July 2008 Application Approved-Delegated Powers
- 53 [17/01940/SCRN](#) Screening Opinion for EIA – EIA Not Required Decision Issued 8 November 2017
- 54 [18/00203/FLL](#) Alterations and installation of a ramp Decision Issued 5 March 2018 Application Approved-Delegated Powers
- 55 [18/02279/FLL](#) Erection of replacement cold store and alterations to workshop building Decision Issued 5 March 2019 Application Approved-Delegated Powers



- 56 [19/00510/FLL](#) Erection of replacement cold store and alterations to workshop building Decision Issued 5 March 2019 Application Approved-Delegated Powers

## **CONSULTATIONS**

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

### **External**

#### **Network Rail**

- 58 No objection.

### **Internal**

#### **Perth And Kinross Heritage Trust**

- 59 No objection subject to condition requiring an archaeological investigation to be undertaken.

### **Development Negotiations Officer**

- 60 No contribution required as proposal is exempt from contributing towards transportation infrastructure costs given the majority of the built development takes place on brownfield land.

### **Transport Planning**

- 61 No objection to proposed increase in traffic levels subject to conditions relating to access design and provision of footway.

### **Structures And Flooding**

- 62 Following the submission of additional information, an initial objection was withdrawn subject to conditions requiring agreement on the detailed design of the Sustainable Urban Drainage (SUDS) system and a condition relating to the location of a culverted watercourse on site.

### **Environmental Health (Noise Odour)**

- 63 Following the submission of an updated Noise Impact Assessment (NIA) and a Noise Management Plan (NMP) the initial objection was withdrawn as it is now considered that the site can operate without detriment to the amenity of nearby residents. This is all subject to a series of conditions relating to the provision of physical mitigation in the form of acoustic barriers and operational controls on the site. Conditions are also recommended to specify the required noise levels on site.

### **Environmental Health (Contaminated Land)**

- 64 No objection subject to condition requiring a contaminated land assessment and associated remedial measures to be undertaken.

### **Environmental Health (Private Water)**

- 65 No objection subject to informative regarding protecting of existing infrastructure.

### **REPRESENTATIONS**

- 66 A total of 15 letters of representation have been received. The following points were raised in the representations received:
- Impact on visual amenity
  - Loss of existing landscaping/trees and hedging
  - Impact on residential amenity/noise
  - Oppressive nature and visual impact of acoustic barrier
  - Light pollution
  - Road Safety
  - HGV/traffic generation and management
  - Drainage
  - Flood Risk
  - Impact on culvert
  - Impact on bio diversity/ecology
  - Impact on primary school
  - Overdevelopment
  - Impact on Conservation Area
  - Vibration
  - Lack of increased employment
  - Air quality
  - Fire risk
  - Loss of value to property
  - Stress/health implications
- 67 A second neighbour notification procedure was undertaken following the submission of an updated Noise Impact Assessment and amended drawings. Five further letters of representation were received, four of which had commented during the first neighbour notification period and one new letter. No new issues were raised in these letters but the concerns expressed in the initial neighbour notification period were repeated.
- 68 These issues are addressed in the Appraisal section of the report other than fire risk, health and loss of value of property which are not material planning considerations.

## ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Undertaken (ref:17/01940/SCRN)
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Noise Impact Assessment, Transport Statement, Flood Risk Assessment, Drainage Strategy, Ecological Appraisal, Contaminated Land Report, Noise Management Plan

## APPRAISAL

- 69 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing Supplementary Guidance, together with relevant guidance and standards relating to the assessment of noise.

### Principle

- 70 In terms of the principle of development on this site the principal policy is ED1A as part the application site is zoned for employment uses. This states that areas identified for employment uses should be retained for such uses and includes a number of criteria which require to be considered. These include, protecting the amenity of nearby residents, the local road network being suitable for the traffic generated by the proposal, provision of good walking and cycling facilities and ensuring the protection of European designated sites, amongst others.
- 71 The eastern side of the site where the current operations are proposed to extend into, where the new long term cold store and second access/egress into the site is proposed is zoned within the LDP as part of a wider mixed use site (MU8). This site is allocated within the LDP for "Housing and Employment land" which contains a series of site specific development requirements, including provision of a mixture of housing types, a flood risk assessment, proposal for surface water drainage, road and access improvements, gateway improvements to the settlement from the east, enhanced bio diversity and phasing. As already indicated, a proposal for 39 houses was approved in May 2019 (awaiting Sec 75

Agreement). This residential development forms part of the "mixed use" proposals for this site. There is a requirement to ensure that the uses proposed within each application (residential and industry) can co-exist as a mixed use site despite each area of land being within separate ownership.

- 72 I consider the principle of an extension of the site and increase in operations of the site to be appropriate and to meet the requirements and criteria outlined in policy ED1A of the LDP. Whilst it is noted that there is no direct employee increase associated with this proposal it will still be of benefit to the wider economy given the increase in contracts associated with the expansion.
- 73 Other key policy considerations are EP2 which relates to flood risk, EP3 which relates to drainage, EP5 which relates to light pollution and EP8 which relates to noise pollution. Policy PM1A and B relating to place making and visual amenity are also key as is policy HE3A which seeks to ensure development preserves or enhances the character of Abernethy Conservation Area. The general principle of development on the site is considered to be consistent with Policy ED1A. The full list of policies are outlined in the policy section above and referred to throughout the appraisal below. The paragraphs below will detail an assessment against the relevant criteria of ED1A and other policies of the LDP.

### **Design, Scale and Layout**

- 74 There is limited operational space within the site and it was evident during site visits that staff vehicle parking areas, potato box storage areas and HGV circulation was constrained within a relatively small area. As outlined above, the existing site is well screened from the public realm and adjacent housing by existing landscaping in the form of tall leylandii hedging which occupies the land between the houses to the south and the main depot and associated car parking and hardstanding areas. Most of this landscaping is proposed to be removed to accommodate the new development which will alter the visual amenity and outlook from the adjacent dwellings.
- 75 The new layout and design is to allow an extension of the existing linear operation of the site with intake taking place at the western side of the site and output/despatch at the eastern side of the site. The site is currently served by a single access from Newburgh Road/Back Dykes in the south west corner of the site, which provides access to all existing buildings on the site together with the existing intake and despatch areas, offices and vehicle parking areas. This access is proposed to be retained and will provide access solely to the intake area and its proposed extension and to a new potato store on the site which was recently approved under a separate application (19/00510/FLL). An extension is proposed on the southern elevation of the existing production building to accommodate a larger intake area for potatoes. This extension is proposed to the south whilst still allowing vehicular access to be retained to the north west corner of the site. The scale and design of the extension is proposed to match the existing buildings on site. Immediately adjacent to this area the existing office building is proposed to be extended with a small single storey hipped roof extension.

- 76 A new access road is proposed to link the existing access through the extended site to a newly formed access in the south east corner of the site onto the A913. This access is proposed to serve the new detached cold store which is to be located in the north east corner of the site. The long term cold store building is to be located on the lowest part of the site to minimise the impact of its 11.8m height. It will also sit adjacent to the SUDS pond provided within the adjacent housing site rather than immediately adjacent to the housing to minimise its impact on these properties.
- 77 The new access will also serve the new despatch area/loading dock which is to be located to the east of the existing buildings and the new car park area for staff car parking which is to be located on the southern boundary of the site.
- 78 A new crate storage area is proposed in the south east corner of the site adjacent to the boundary with the proposed housing site. Typically crates are stored at 6 high throughout the site. However given the proximity to the boundary crates are only proposed to be stored 3 high in this location. This will be controlled by a suitably worded condition (Condition 4).
- 79 It is a requirement of the Local Development Plan to ensure that new development on the site respects the amenity of the area and this will be considered in more detail below. In order to protect the amenity of the area a new acoustic barrier is proposed along the south, east and west boundaries of the site. Furthermore the quieter uses on site are proposed closer to residential boundaries. These acoustic barriers are also proposed to be positioned off the boundary of the site to allow landscaping (existing and proposed) between the properties and the proposed barrier. This will help to limit the visual impact of the barrier. New landscaping is also proposed adjacent to the new access at the eastern end of the site to soften its impact and to provide an improved visual relationship with the adjacent housing site. It is accepted that this proposal will move the development closer to residential receptors and will result in the loss of an established buffer area between operations and adjacent housing. The proposal also results in the loss of some of the existing landscaping which screens the development site. Full details of the proposed landscaping, its density and the species proposed and any planting to be retained together with timing of implementation will be sought by condition (Condition 2). There is also an opportunity through this condition to ensure additional evergreen trees are provided as part of the landscaping scheme to ensure year round screening of the development site from adjacent residential receptors. A condition is also recommended to ensure that any planting which fails to establish after 5 years is replaced (Condition 3).
- 80 Overall the design and scale of the new development proposed on site is considered to have an appropriate level of visual impact as public views of the site are limited. Where the site is visible, the extensions and new build development which are proposed are considered to be sympathetic to the overall design and scale of existing buildings on the site by utilising matching finishing materials and introducing new landscaping. I am also satisfied that the extent of development on site is not an overdevelopment and that the layout and operational arrangements of the site are appropriate. On that basis, the design

and layout of the site is considered to comply with the criteria outlined in policies PM1A and B of the LDP together with the design and layout criteria outlined in policy ED1A of the LDP. The proposed development is also considered to respect the character of the nearby Abernethy Conservation Area and therefore complies with policy HE3A of the LDP.

### **Noise and Residential Amenity**

- 81 Policy EP8 of the LDP relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels of noise in the locality of existing noise sensitive land uses. The application site sits adjacent to a number of residential properties on the west and south boundaries which are noise sensitive and a new housing development has been approved adjacent to the eastern boundary.
- 82 The letters of representation received from neighbours relate to the potential noise generation of the use and the impact this would have on residential amenity. This submission includes a Noise Impact Assessment (NIA) which provides a detailed assessment of the impact of the proposal on the amenity of neighbouring residents. Following consultation on the initial submission, the Council's Environmental Health Department (EH) identified concerns with the methodology used to carry out the assessment. An updated NIA has now been prepared including additional mitigation measures to protect adjacent properties which adheres to the methodology required by EH. All neighbours were re-notified of the updated NIA.
- 83 EH required the NIA to assess both existing noise levels apparent from the operation of the facility together with the noise levels which would be apparent should planning permission be granted and the site expanded. The NIA assesses noise levels from a total of five Noise Sensitive Receptors (NSR). The location of the NSR are indicated in Figure A3.1 within Appendix 3 on page 30 of the submitted NIA. These are representative of properties on the west and southern boundaries and the permitted but yet to be constructed housing to the east.
- 84 The NIA has provided an assessment of the proposed noise levels from the new operation in comparison with a background noise level with the current operation shut down. The NIA has been prepared in accordance with BS4142:2014 (Methods for Rating and Assessing Industrial Noise). In addition to BS4142:2014, the measurements undertaken have also been assessed in line with; the World Health Organisation (WHO) Community Guidelines – 1999, WHO Night Noise Guidelines for Europe – 2009, BS8233:2014 Guidelines on Sound Insulation and Noise Reduction for Buildings and PAN 1/2011.

### **Current Operation - Noise**

- 85 The site currently operates 363 days a year on a 24 hour a day, 7 day a week basis. There are currently no planning restrictions on the operation of the site. The NIA identifies that existing noise levels on site are high. Potatoes are

graded, cleaned, packaged and despatched year round on the site. The current operation occurs as follows:

- Intake operations – 7 days a week – HGVs leave site from 0600 – HGVs enter site from 0700
- Forklift unloading at intake area 0700-2100hrs but typically between 0700 and 1800hrs
- Despatch HGVs leave site between 0800-2000 hrs and return throughout the day with 8 HGVs returning during night time period (increasing during peak periods)
- Packaging and loading – 0630-2100
- Electric forklifts are used internally
- Collection of pre-loaded fridge trailers occurs during night time hours
- External forklift movements 0700-2100
- Box storage movement 0700-2100
- Box storage repairs 0700-1800

86 24 hour operations are as follows:

- On site refuelling
- Wash bay
- Packaging and loading at peak times

87 It should be noted that the peak period for operations is defined as those periods when seasonal demand for produce is experienced – including the two week period leading to Christmas and run up to Easter. Peak activity also includes a six week harvesting in October/November but the submission indicates that the operation will be restricted to the times outlined above and will not be 24 hr during the October/November harvest.

88 Current operations are not controlled through planning conditions but through a “voluntary noise policy” which Branston operates which seeks to encourage a noise sensitive approach to the operation.

89 The NIA indicates that noise levels at the current site, based on the operations above, exceed recommended limits at some receptors around the site and this needs to be addressed. Current levels have been assessed as being between +1.4 and +16.7dB(A) (when measured above background levels with no operations taking place) for day-time and between +1.9 and +23.6dB(A) for night-time.

90 Therefore the submission includes a series of proposals which seek to address existing noise levels. Discussion has taken place regarding the timing of the implementation of these works as the Council is keen to ensure these are implemented as soon as possible to improve the existing levels of amenity for residents.

91 The NIA seeks to address these current noise issues by proposing a series of mitigation measures. These measures are indicated as follows and include the

rebuilding of the cold store on the western side of the site which was granted separate planning permission earlier this year (19/00510/FLL). The submission outlines that the re-build of the cold store at the western side of the site is to be delivered by the end of September 2019. The detail of the re-built cold store includes:

- Utilising construction fabric which will reduce noise escape
- Screening of existing chiller equipment

92 The 19/00510/FLL permission secures these mitigation measures and requires them to be undertaken prior to the re-built cold store being brought into use. On that basis it is not considered necessary to specifically condition the timing of these works in this permission. Nevertheless the new cold store and associated mitigation will improve ambient noise levels at residential receptors.

93 A series of separate measures are then proposed to further deal with existing operational noise. The submission indicates that these will be undertaken and completed by 31<sup>st</sup> December 2019. These measures are as follows:

- Re-siting of an existing sizing hall heater to the north side of the main building away from residential receptors (marked as noise source S11 in the NIA)
- Erection of a 3m high acoustic barrier on part of southern boundary of site adjacent to NSRs 1, 2 and 3
- Erection of a 2m high acoustic barrier on the north west boundary of the site
- Erection of 1.8m high acoustic barrier to southern edge of the existing despatch hall

94 A condition is recommended to ensure the delivery of these measures by 31<sup>st</sup> December 2019. The delivery of these mitigation measures will secure improvements to the current noise levels experienced at residential receptors around the site by the end of December this year (Condition 17).

#### Site Expansion and New Development - Noise

95 In terms of the proposed expansion of the site, this will result in built development, commercial activity and vehicles movements taking place closer to residential receptors than the current situation as described above. On that basis, physical noise mitigation measures are proposed on site in order to ensure that noise levels at neighbouring residential receptors are appropriate.

Noise sources from the proposal will include:

- Vehicle movements into and around the site from existing and proposed new access (including HGVs)
- Loading/unloading of produce
- General commercial activities including the car park
- Operation of ventilation systems and stationary refrigerated trailers
- Operation of relocated fuel store
- Operation of vehicle wash bay



- Potato box movements and repair
- Stocking of new long term cold store.

96 The NIA considers the proposed noise levels from the entirety of the new development proposed on site i.e. the existing operations as well as the proposed new works. The NIA indicates that noise levels from the extended operations on site can be mitigated through the provision of an acoustic barrier on the boundaries of the site, construction of the new extensions from a material with sound reduction qualities and other operational mitigation measures.

#### Physical Mitigation for Proposed Development

97 The physical mitigation measures on site include the general layout of the site and the positioning of plant, doors and accesses away from residential receptors. These are indicated in Figure A7.2 of the NIA and on the submitted plans but also specifically include the following:

- Construction of 3m high acoustic barriers along the entire length of the southern boundary of the site
- Enclosure of new intake extension with sound reducing materials
- Demolition of part of the current office building and the erection of a 3m high acoustic barrier on southern edge of the intake yard
- Enclosure of the wash bay with sound reducing materials
- New fuel delivery station to have “silent running” pumps
- Provision of electrical hook ups to refrigerated trailer storage area to avoid need for diesel generators
- All new buildings and enclosures to be built in construction fabric to reduce noise escape
- Automated self-closing doors to all new buildings to reduce noise escape
- Tarmac finish applied to the service road and the existing and new access

98 In terms of phasing, the submission indicates that the bunding and fencing to form the acoustic barrier on the remainder of the southern boundary would be delivered prior to the construction of the new service access at the eastern end of the site. In addition, prior to the new intake extension being brought into use the main office building shall have been reconfigured and a 3m high acoustic barrier erected along its northern edge. I am satisfied that this proposed phasing is sufficient to protect the amenity of nearby residents as it will ensure the required mitigation is in place prior to any new operations occurring at the eastern end of the site (including the new despatch and packaging store and the new cold store). The phasing will also ensure the appropriate mitigation is in place prior to the intake extension being erected (which is the key additional building at the western end of the site, which will be served by the existing access).

99 The phasing of these key mitigation measures will be secured by conditions (Condition 18 and 19). The other physical mitigation will also be secured by conditions (Conditions 20-24).

- 100 Members should note that the acoustic barrier on the eastern side of the site adjacent to the new housing development is only required prior to the occupation of the dwellinghouses associated with that permission (17/02190/FLL). These houses have also been limited to single storey. A Section 75 legal agreement requires to be signed by all parties as part of that application for housing and this will secure the provision of that mitigation. It is therefore not necessary to secure the provision of the acoustic barrier on the eastern boundary of the site through this permission.

#### Operational Controls for Proposed Development

- 101 As already indicated, there are no operational controls currently in place through planning for this site. However, following discussions with the applicant and their agent, a Noise Management Plan (NMP) has been submitted to outline how and when the site is proposed to operate. This outlines how various aspects of the site will be operated in order to ensure the site can meet the noise levels outlined in the NIA which will be secured through conditions (Condition 26 and 27). The mitigation includes limiting the time of certain operations and has been verified by the applicant's Noise Consultant and accepted by EH.
- White noise reversing alarms to be used on all external forklifts
  - Internal speed limit within site to be 5mph to reduce road noise
  - Automated self-closing doors to be used
  - Existing sizing hall to be operated with doors closed and forklifts limited to internal movements only
  - New intake building – 0600-2100hrs (as per existing intake operations)
  - External forklift movements (0700 to 2100hrs) (as per existing)
  - New despatch store extension (0800 to 2100hrs) (24hrs at peak times) (as per existing)
  - New packaging store extension (0630-2100hrs) (24 hrs at peak times) (as per existing)
  - New loading dock extension (0630-211hrs) (24 hrs at peak time) (as per existing)
  - Box storage movements (0700-2100hrs)
  - Box storage repairs (0800-1800hrs)
  - New enclosed wash bay (24hrs) (as existing)
  - New fuel bay (24hrs) (as existing)
  - Refrigerated trailer storage (24hrs) (as existing) – electric hook ups used between 2100 and 0800hrs (no diesel trailers during this time).
  - Long term cold store loading 0700-2100hrs
- 102 A condition is recommended to ensure the development operates in accordance with the NMP but will be worded to allow the document to be fluid to address any concerns identified by the local community once the site has been extended but also allows any minor changes to the operation of the facility to be agreed through a variation to the NMP, if required, and upon agreement with the Council (Condition 25).

- 103 Following the phased mitigation, all receptors (with the exception of NSR3 (for day-time only)) have been assessed as having a significant reduction in noise levels in comparison with the existing levels. Levels are predicted as being between -7.5 and +8.4dB(A) for day-time and between -2.6 and +9.6dB(A) for night-time above background noise levels (with no factory operations taking place). It should be noted that whilst EH has chosen to look at the worst case scenario for measured background levels i.e. with no factory operations taking place, BS4142:2014 allows for background levels to be measured within context i.e. well established operational noise can be considered part of the background level. There is clearly a well established operational background noise in this location due existing operations on site.
- 104 Therefore whilst the highest predicted night-time level of +9.6dB(A) at NSR1 is a higher level than EH would normally recommend, it should be noted that Section 3.2. of Technical Advice Note to PAN 1/2011 states “the Scottish Government consider that impacts commonly do not become sufficiently significant to warrant mitigation until the difference between the Rating level and the background noise level is more than 10dB(A)”. It should also be noted that the current night-time level at NSR1 is +21.8dB(A).
- 105 The only predicted increase is during day-time at NSR3 and is predicted as being +3.6dB(A). Putting this into context, whilst an increase of 10dB(A) would be perceived as a doubling of the loudness of a sound to the human ear, an increase of 3dB(A) should not be perceptible. The assessment also predicts a reduction of 3.4dB(A) for night-time at this receptor.
- 106 EH have now advised that whilst they still retain some concerns regarding the potential for noise nuisance, it is acknowledged that a significant improvement to the current noise climate is predicted. Furthermore should any complaints be received these will be investigated in accordance with the Environmental protection Act 1990 Statutory Nuisance provisions. To minimise the likelihood of this action a series of conditions are recommended to ensure the implementation of the mitigation measures referred to above on site.
- 107 Conditions requiring the monitoring of noise levels for the new development and a detailed proposal for complaint investigation are also recommended (Conditions 28 and 29). This will ensure that the Council maintains an element of control over operations on the site and ensure any complaints are addressed promptly and appropriately.
- 108 It is evident from the submission that the facility does generate noise and is located close to residential receptors. The existing noise levels on site are high and the mitigation outlined in the NIA and NMP together with the recommended conditions from EH are considered to control the extent of noise from the proposal sufficiently in order to protect residential amenity and reduce noise levels at the majority of the NSRs. As such, subject to the imposition of conditions controlling noise levels from the site, implementation of the physical mitigation and operational controls through the NMP and conditions which require detailed noise compliance monitoring and a complaints investigation to

be agreed, I am satisfied that the proposal accords with the requirements of Policy EP8 of the LDP.

### **Vibration**

- 109 Concerns have been expressed regarding the vibration which is caused by HGV movements adjacent to dwellinghouses. This proposal will increase the number of HGV movements associated with the site as indicated in the Traffic and Transport paragraphs below but not to what is considered to be a level which would be of significant detriment to the local community. The vibration may well be felt by residents but it would be no different than that from any other vehicle passing the properties. I am satisfied that the controls offered in the conditions relating to operation of the site including the 5mph speed limit referred to in the NMP and the proposal for a smooth tarmacadam surface are sufficient to limit the impact of vibrations on residential receptors.

### **Lighting**

- 110 Policy EP5 of the LDP relates to light pollution and seeks to prevent statutory nuisance from lighting. Permission will not be granted for proposals where lighting would result in obtrusive and intrusive effects. The placemaking policies and landscape policies of the LDP are also relevant in terms of the effect lighting may have on visual amenity and wider landscape character. There is existing lighting on the site in the form of downlighters on buildings and these will increase to accommodate the greater hardstanding and buildings proposed. The car park is proposed to be served by bollard style lighting. The lighting locations and lux levels will require to be appropriately controlled to avoid light spill and minimise the impact on residential neighbours. This can be controlled through an appropriately worded condition (Condition 5). Subject to this condition I am satisfied that the proposal complies with policy EP5 of the LDP.

### **Traffic and Transport**

- 111 Policy TA1B of the LDP requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. The submission includes an updated Transport Statement (TS) which outlines the implications on the road network of the proposed development. This statement provides an indication of the existing operational characteristics of the site, an assessment of the existing road network and details on the proposed characteristics and transport arrangements for the proposed development. The site is located within 5km from the M90 motorway and the TS indicates that the majority of despatched potatoes head to markets in the south. It also states that the site receives a proportion of the potato crop processing from growers to the east. The site is also on a recognised bus route (Perth to Glenrothes).
- 112 The TS considers both staff movements and HGV movements and provides an outline of the existing use of the site and what the proposed use will be. A staff survey was also undertaken to establish how staff get to work and which direction they travel from. The survey indicates that 59% of staff live to the east of Abernethy and 41% to the west. Staff are proposed to enter the site from the new access to the east rather than the existing access at the west side of the

site. The consequence of this is that there will be a net reduction in staff vehicles passing the housing to the south of the site. It is understood that there is an existing Travel Plan for the site which seeks to encourage the use of sustainable means of transport for staff. A condition is recommended to ensure an updated Travel Plan is submitted to encourage staff to utilise more sustainable means of transport (Condition 13). I am satisfied that the staff vehicle movements associated with the development are acceptable.

- 113 There are two types of HGV traffic associated with the site. These are intake traffic and despatch traffic. As already indicated the site operates 363 days per year, 7 days per week and produces 66000 sales tonnes per year, increasing to 80,000 tonnes as a result of the proposed development. At present there is a single point of access into the site at the western end of the site. The proposal seeks to re-open an access which previously served a vehicle repair garage/petrol filling station at the eastern end of the site. This junction is proposed to be used by HGVs loaded with processed goods, leaving the site for the M90. This junction will be used by all despatch related vehicles and staff.
- 114 Due to the constrained space within the existing site, all HGVs require to do a “U-turn” within the site as they enter and leave through the western access. The limited operational area of the site presents a number of health and safety challenges.
- 115 The proposed site layout allows for improved internal traffic management and operation in comparison with the existing layout. The layout will allow all intake HGVs to bring raw materials, including empty boxes, into the site using the western access and then leave the site using the eastern access. All despatch HGVs (both in and out) and users of the car park will utilise the new eastern access as outlined in Figure 4.3 of the TS (doc ref: 18/01016/18).
- 116 The TS for this application indicates that there are currently a total of 26 intake HGV movements taking place each day (13 in and 13 out) (26 movements). This is proposed to increase to a total of 32 HGV intakes movements (16 in and 16 out) per day. Intake traffic is proposed to enter the site using the existing western access but would leave using the new eastern exit. The TS indicates that as a result of the proposal there will be an increase of 6 HGV movements (3 in each direction) per day across both junctions as a result of the proposal.
- 117 In terms of despatch the TS indicates that there are currently an average of total of 24 movements (12 in and 12 out) per day. This is proposed to increase to 30 movements (15 in and 15 out) per day. All despatch movements are proposed to use the new eastern access.
- 118 In total there will be potential for up to 15 daily HGV movements associated with the site passing the housing located to the south of the site which currently does not occur.
- 119 The long term cold store building in the north east corner of the site is also proposed to generate seasonal concentrated HGV movements following annual harvest (October and November). There is currently no long term cold store on

site and long term potato storage currently takes place off site. The provision of a long term cold store will result in a 5 week period during October/November where concentrated vehicle movements will occur, rather than these movements being dispersed throughout the year as at present.

- 120 The long term cold store will result in 100 HGV deliveries (200 in/out movements) based on the volume of the new store, equating to 6 additional movements per day over a 5 week period.
- 121 The provision of an additional access will also reduce queuing delays for HGVs entering the site and will reduce deceleration and acceleration noise but is noted that the proposal will result in additional HGV movements past those properties to the south of the site where currently they do not occur. It will however, result in a net decrease in the number of staff vehicles passing the site as 59% of staff currently travel from the east and will therefore utilise the new eastern access.
- 122 The TS concludes that the A913 has capacity to accommodate the additional traffic movements and the increase in HGV movements along the public road adjacent to the properties to the south of the site is offset to a certain extent by the reduction in staff vehicle movements. The movements of HGVs and vehicles within the site and the impact which this may have on the amenity of the adjacent residential properties has already been considered in the Noise and Residential Amenity section of this report and are addressed as a result of the detailed physical mitigation measures (acoustic barriers and upgraded vehicle surfaces) and the operational controls to be undertaken. In order to ensure that the movement of traffic on site is controlled sufficiently an operational traffic management plan for the site is requested by condition to ensure the Council maintains an element of control over operations on the site to ensure the protection of the amenity of residents (Condition 13). A condition is also recommended to ensure a Travel Plan is submitted to encourage staff to utilise more sustainable means of transport (Condition 12).
- 123 Transport Planning have assessed the TS and consider the level of additional traffic to be generated by the proposal to be acceptable and capable of being accommodated on the existing road network subject to conditions regarding the design of the access and provision of a footway (Condition 6 and 7).
- 124 Furthermore in general terms the site is in a sustainable location and is well served by public transport. Overall the proposal is considered to be acceptable in terms of traffic and road safety and therefore accords with policy TA1B of the LDP.

### **Flood Risk**

- 125 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. A Flood Risk Assessment accompanies the application which concludes that the site is not at risk from flooding and will not increase flood risk elsewhere. The Council's Structures and Flooding Team have accepted the conclusions of the

FRA. On that basis the proposal is considered to accord with Policy EP2 of the LDP.

### **Drainage**

- 126 Policy EP3B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. The submission indicates that the proposed extension will connect to the public drainage network which is considered to be in accordance with Policy EP3B. In terms of surface water drainage this is to be catered for through a SUDS system. The specification and design details of the SUDS pond will be based on infiltration testing and will require to meet SEPA and Building Standards requirements and its exact detail requires to be agreed with the Council's Structures and Flooding Team, this can be secured by a suitably worded condition (Condition 9). This is therefore considered to be in accordance with Policy EP3C of the LDP.
- 127 The LDP states that there is a culvert which currently runs through the site and its exact location requires to be verified. Having discussed this with Structures and Flooding a condition is recommended to ensure the exact location of the culvert is confirmed and a detailed design of a diversion is submitted if required (Condition 11).

### **Air Quality**

- 128 Policy EP11 of the LDP requires all new development proposals to be considered in relation to any impact on air quality in the local area. An objection has raised concern relating to health and safety concerns associated with some of the operations proposed on site. These issues are controlled through separate legislation outwith the planning process.
- 129 Perth and Kinross Council has a duty to review and assess air quality within its area and declare an Air Quality Management Area (AQMA) if standards are found to be exceeded in certain pollutants. Abernethy is not an AQMA and levels of pollutant are considered to be below the national standard.

### **Contaminated Land**

- 130 Policy EP12 of the LDP indicates that any potential contaminated land on an application site requires to be considered. The proposed eastern side access to the site from the A913 goes directly over what was a previous filling station and a site inspection and a search of the historical petroleum records confirmed that a petroleum licence was in force at this site over a considerable period of time preceding 1972. The exact history is unknown but it would appear that there are a number of tanks situated over consecutive decades. A decommissioning certificate for tanks was submitted to the petroleum Officer in March 2008. However it is unclear where these tanks are. In addition to the above, the site extended over a larger area and the applicant should satisfy themselves that the proposed development area is free from any other potential sources of historical

contamination. With these potential constraints identified and in consideration of the implications on the development a condition is recommended to ensure a scheme to deal with any contamination is submitted for approval and any remediation carried out in accordance with the requirements of Policy EP12 of the LDP (Condition 8).

### **Biodiversity**

- 131 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. A survey of ecology accompanies the application and concludes that the site has limited bio diversity value, although there are some trees and hedging on the site which may be habitat for certain species. As such, site clearance may impact on nesting birds. It is recommended that conditions (Conditions 14 and 15) are attached to control the timings of works on site and the provision of escape measures for mammals from excavations on site. Having examined the Council's mapping system in relation to protected species, there is no evidence of other protected species on site. A further condition (Condition 16) is recommended to ensure that the mitigation measures outlined in the ecology survey are adhered to. Subject to these conditions I am satisfied that the proposal complies with policy NE3 of the LDP.

### **Public Consultation**

- 132 As the application is not a major application there is no statutory requirement for public consultation with the community to be carried out. Nevertheless, Branston have hosted consultation events for the community on the proposal and have advised that they are in regular contact with neighbouring residential properties.

### **Setting of Listed Buildings and Conservation Area**

- 133 Policy HE2 and HE3A of the LDP requires the impact of any development on the character and setting of a listed building and Conservation Areas to be assessed. The proposal sits outwith but on the edge of Abernethy Conservation Area. The access into the application site is very commercial in its nature and this will remain with this proposal. The main alterations to the layout and additional buildings within the site are located remote from the public realm and as such will not impact significantly on the character of the Conservation Area or setting of nearby listed buildings. As such I consider the proposal to be consistent with the requirements of Policies, HE2 and HE3A of the LDP.

### **Impact on Primary School**

- 134 It is noted that the proposal will result in additional HGV movements taking place to the front of the existing primary school where currently the main access into the site is further west from the school. As outlined above full details of the level of increase in HGV movements associated with the proposal have been submitted and are considered to be acceptable. I do not consider the level of



increase proposed to be unacceptable and do not consider the increased movements to result in any significant impact on the primary school in comparison with the existing situation.

### **Developer Contributions**

- 135 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.
- 136 The proposal is to create an extension to the existing business and the creation of a new cold storage area. The total area of new build is 2,997m<sup>2</sup>. The majority of the new buildings will be on existing hard standing with the new cold store unit being placed on the site of the former garage.
- 137 Paragraph 6.7 of the Developer Contributions and Affordable Housing Guidance states 'In order to support the economic growth of Perth and Kinross, new employment uses which fall under the Employment Land Use category of the Transport Infrastructure section of this Guidance, and which are to be developed on brownfield land, will not be required to make a contribution. New employment uses on Greenfield land not cross subsidised by residential development will be considered on an individual basis.'
- 138 As is noted above the majority of the new build will be on brownfield land with the greenfield area being used for car parking. In line with paragraph 6.7 of the Guidance this proposal is exempt from contributing towards transport infrastructure.

### **Impact on Railway**

- 139 Network Rail have been consulted on the proposal and offered no objection.

### **Economic Impact**

- 140 The submission includes detailed evidence of the growth of the existing business and whilst the proposal will not generate any significant additional employment on site, it will result in significant wider and localised, indirect and direct benefit to the economy. The proposal will also secure the longer term future of Branston in Abernethy through the increase in contracts associated with the expansion.
- 141 Overall the proposal for an extension to the existing facility allows for the expansion of a well established business within Perth and Kinross within an area which is specifically zoned for employment uses in the LDP. As such there is considered to be economic benefit associated with the proposal which is considered to have significant weighting in the determination of this application.

## **LEGAL AGREEMENTS**

142 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

143 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**

144 To conclude, 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 Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

145 Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

**Approve the application subject to the following conditions:**

#### **Conditions and Reasons for Recommendation**

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 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.

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 with 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.

- 10 Reason - To ensure the provision of effective drainage for the site  
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 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 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 3m high acoustic barrier fencing and bunding on the remainder of the southern boundary of the site, other than that referred to in condition 18, 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 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 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.

## **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 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 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.

Background Papers: 15 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 18 July 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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.