

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

Erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect) at Land 200 Metres South East Of A M Howie Yard, Yetts Road, Dunning

Ref. No: 15/02097/FLL
Ward No: 7 - Strathallan

Summary

This report recommends approval of the application for the erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect) as the development is considered to comply with the relevant provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located to the south east of the village of Dunning. The land has been historically in agricultural use, prior to the regrading of the field, for growing grass and cereal crops. The land is categorised as Grade 3 Arable land.
- 2 The site is defined by the Dunning Burn running along the north and east boundary. A residential area of Dunning known as Newton of Pitcairns is located beyond the burn to the north. To the northwest is the Marcassie Burn and beyond is Millhouse Farm with the remainder of the site surrounded by agricultural land.
- 3 The proposal is to erect three agricultural buildings and a workshop/office/staff accommodation building. The agricultural buildings consist of fodder/feed mix/straw stores and a livestock building. There are also associated land engineering works included within the application which have been done prior to the submission.
- 4 The Enforcement Team had investigated the unauthorised works and until the submission of this application, the applicant incorrectly stated that these works were allowed under agricultural permitted development rights. As the land works are now related to this proposal they are no longer permitted development and require planning permission.
- 5 The access road to the site is from the B 934 and has been previously granted planning permission ref 12/02169/FLL and formed prior to this submission as a secondary access to Millhouse Farm.

Environmental Impact Assessment (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale project 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.
- 7 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. This 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.
- 8 It is the opinion of the planning authority, having taken account of the characteristics of the potential impact of the development, in terms of extent, scale, magnitude, complexity, probability, duration frequency and reversibility that it is not likely to have a significant effect on the environment. A detailed study through an EIA is therefore not required.

NATIONAL POLICY AND GUIDANCE

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

Scottish Planning Policy 2014

- 10 The Scottish Planning Policy (SPP) was published on June 23 2014. It 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
 - The determination of planning applications and appeals.
- 11 Of relevance to this application are:
 - Paragraphs 24 – 35 Sustainability
 - Paragraphs 36 – 57 Placemaking
 - Paragraphs 74 – 91 Promoting Rural Development
 - Paragraphs 92 – 108 Supporting Business and Employment
 - Paragraphs 254 – 268 Managing Flood Risk and Drainage

- 12 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal,

- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation

DEVELOPMENT PLAN

- 13 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

TAYplan: Strategic Development Plan 2012-2032

- 14 The principal relevant policy is in summary: -

Policy 3 Managing TAYplan Assets

- 15 Safeguards resources and land with potential to support sustainable economic growth.

Perth and Kinross Local Development Plan 2014

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

- 17 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 18 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 adaptation.

Policy PM1B - Placemaking

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

Policy PM2: Design Statements

- 20 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 ED3 – Rural Business and Diversification

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 23 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 NE3 - Biodiversity

- 24 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

- 25 Requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure.

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

- 28 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.

OTHER POLICIES

- 29 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

SITE HISTORY

- 30 Planning permission ref 12/02169/FLL for the formation of an access road to serve Millhouse Farm was approved and constructed. This access is to be used to serve this development.
- 31 The site has been subject to pre-application discussions regarding the principle of development which is subject to this planning application.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 32 SEPA initially objected to the proposal on a lack of information in respect of flood risk. Subsequently SEPA, the applicant, the agent, the Council Flood Officer and the Planning Officer have met on site and further discussions have taken place with the consultant Envirocentre. Following on from this SEPA have withdrawn their objection subject to the inclusion of a condition related to the unauthorised works in the Marcassie Burn.

Dunning Community Council

- 33 Dunning Community Council has raised the following concerns; drainage and runoff to adjacent watercourse, noise/light pollution, increase in traffic, request for landscaping and waste management plan. Also raised is the proximity within 400m of residential properties and the inclusion of residential accommodation.

INTERNAL

Environmental Health

- 34 No objection subject to extensive conditions being adhered to recommended with regard to noise, deliveries and odours etc.

Structures and Flooding

- 35 The site is at risk of partial inundation during the 1 in 200 year (plus climate change) flood event, as indicated by SEPA's medium probability flood risk map. The flood team initially objected to the proposal and have subsequently been in discussions with the agent, their consultant and SEPA. These discussions and submission of additional information have resolved initial concerns and conditions are recommended to overcome any concerns.

Transport Planning

- 36 No objection and no planning conditions required

REPRESENTATIONS

- 37 A total of 158 letters of representation consisting of 77 objections and 79 letters of support were received and raised the following relevant issues: -

Objections

- Visual impact
- Loss of outlook
- Loss of privacy
- Impact on residential amenity due to increased noise and odour due to proximity
- Livestock proximity to residential properties
- Lack of landscape plan
- Scale of development
- Increased Traffic
- Road Safety
- Flooding
- Disposal of waste
- Water pollution to Dunning Burn
- Need for staff accommodation
- Increase in vermin
- Light and noise pollution
- Unauthorised development prior to submission of application
- Lack of other consents for example from SEPA
- Lack of Environmental Impact Assessment
- Contrary to development plan and national planning policy
- Impact on Conservation Area
- Devaluation of property

Support

- Economic benefits
- Expansion of farming activities
- Local employment
- Limited traffic movements
- Low visual impact

- 38 These issues are all addressed in the Appraisal section of this report. With the exception of devaluation of property which is not considered to be a material planning consideration.

ADDITIONAL STATEMENTS

39

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted (Odour/Noise/Hydrology)

APPRAISAL

- 40 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy and if not, are there are any other material considerations which justify a departure from policy. The most relevant policies of the Council's Local Development Plan (LDP) 2014 and TAYplan are outlined in the policy section above.

Principle

- 41 The site is located outwith the settlement boundary of Dunning and the principle of establishing development on the site is considered primarily under Policy ED3 Rural Business and Diversification.
- 42 Policy ED3 states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business. This is provided that they will contribute to the local economy through the provision of in this case permanent employment.

43 Proposals considered under this policy are expected to meet all of the following criteria:

- The proposal's use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
- The proposal can be satisfactorily accommodated within the landscape capacity of any particular location.
- The proposal meets a specific need by virtue of its quality or location in relating to existing businesses or tourist facilities.
- Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
- The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.
- Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation.

44 The site is located outwith the settlement boundary and the policy states that this may be acceptable where the site offers opportunities to diversify existing businesses. The supporting documents state that the existing farming facilities at Millhouse are not sufficient to meet the needs of a modern growing agricultural enterprise.

45 The policy also outlines criteria for development firstly that the proposal's use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site. This is covered in detail in later sections of the report.

Design and Layout

46 The application is for the erection of 4 buildings. Two of the buildings are for fodder/ feed mix/straw stores and are located to the south of the site. The third building is for an agricultural animal livestock building, which will run down the centre and length of the site. The fourth building will contain a workshop, office/ meeting room and staff accommodation areas and is located to the north of the site.

47 The mix of buildings range from the relatively low height cattle rearing shed to a higher eaves height grain store. Modern farm equipment is such that a large door opening of 6 metres along with an apex height of greater than 10 metres is required for entering and tipping within the sheds.

- 48 A palate of different finishes has been submitted with the application detailing various finishes. The materials include cement-fibre roof cladding, plastisol coated trapezoidal sheeting to certain roofs and side cladding, as well as concrete panels, glass and flat panel insulated sheeting. In this location I consider that any of the materials would work and a condition requiring the materials and colour finishes to be confirmed will be added. The ground will be surfaced with a mixture of concrete and asphalt depending on the location and the surface wearing requirements.
- 49 The use of Photo Voltaic (solar) panels on the south and east facing roofs will be incorporated in order to provide onsite renewable energy. This is calculated to provide 150 Kw of power which will help the overall sustainability of the farm.
- 50 The site, through works carried out prior to the submission of the planning application, has been regraded and levelled with a gravelled finish. The access road to the east of the site has been formed recently to provide an additional access to Millhouse Farm and will be utilised to serve this development. A parking area is proposed adjacent to the access road to the northeast of the site.

Use

- 51 The applicant has confirmed that the site will be a centre of excellence in cattle rearing so that cattle can be showcased to customers of the associated food business at Findony located approximately 250m to the west of the application site. The ancillary uses to the cattle building include an office, staff facilities, residential accommodation, workshop and fodder/feed mix/straw stores.
- 52 The workshop will be a general farm workshop doing small repairs and general maintenance of farm equipment.
- 53 The residential accommodation is adjacent to the offices and meeting rooms at the east end of the workshop building. The agent has confirmed that the 4 bedroom apartment will be used for any potential maintenance staff, seasonal workers (covering harvest time etc.) and agricultural working students. It is not intended for long term use but very much on a short term basis and sporadic use.

Landscaping

- 54 No landscaping plan has been submitted and it is considered that the site could benefit from a landscaping proposal to provide a buffer between the settlement of Dunning and the development site. It is considered that in the area to the east of the site would benefit from planting which would break site lines of the development from the north. This will be added as a planning condition.

Visual Impact

- 55 The application site is edge of village and the development comprises of agricultural buildings. It is within an area already characterised by a mix of dwellings, agricultural buildings for example at Millhouse Farm and more industrial scale buildings at Findony.
- 56 It is considered that as the site is set back from the public road with rising land to the south between the site and the road the visual impact would be reduced to an acceptable level.
- 57 The site is well screened from within the Newton of Pitcairns area but on entering this area of Dunning from the southeast there is a clear view of the site. This view however is not experienced over a long section of the road and as the site is at a lower level with rising land behind the visual impact of this open view will be reduced.

Residential Amenity

- 58 The application site is out with the settlement boundary of Dunning located to the southeast, adjacent to the settlement boundary. The closest existing residential properties to the site are Glen Rossie House and Sawmill Cottage at Newton of Pitcairns which are approximately 45 and 47metres, respectively, from the site.
- 59 The proposed agricultural livestock building, will be open to the north elevation with feeding troughs running along this elevation. The livestock building will house between 150 and 180 head of cattle from the months of September until April each year. The cattle will then be finished on grass within an adjacent field during the summer months.
- 60 The feeding of cattle within the agricultural building will take place twice a day at 8am and 4pm, with the use of a tractor and feed mix trailer; this process will take approximately 30 minutes. The cattle feed will be prepared and mixed mechanically within the fodder and feed mix building.
- 61 Other farm traffic movements on the proposed site will be a tele-handler machine used for general farm use around the steading, such as cleaning out the straw from bedding areas. Larger vehicle movements include the delivery of the cattle to the site in September and removal between April and July.
- 62 The application does not include any lighting proposals and as the intention is to provide a calm environment for the cattle lighting would not be necessary 24 hours a day. In winter, however, in line with operating times, lighting would be required. It is considered that lighting in this location could be sufficiently aligned to avoid spill outwith the site. A condition will be added to ensure that details of light spill, brightness of the lighting and the proposed hours of operation are submitted.

- 63 It is considered that the distance from the buildings and the separation of the site by the burn from the settlement boundary would reduce any potential impacts in terms of loss of privacy or loss of outlook. Further consideration should be given however to the impact in relation to odour from the cattle and noise from the operations on site. This will be covered in the next sections of the report.

Potential Impacts

- 64 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice is to provide practical guidance for farmers and those involved in agricultural activities, including farm advisers, on minimising the risks of environmental pollution from farming operations. Many common agricultural practices pose a potential risk to the environment. This can be increased where poor standards of operation are in place.
- 65 The next three sections tackle the issues related to this proposal; odour, noise and pollution.

Odour

- 66 It is noted in the Code of Good Practice that when designing new buildings, consideration should be given to their siting in relation to residential accommodation, and to avoid sites within 400m of such developments. Where possible, sites downwind of residential areas should be chosen. It should also be ensured that buildings are properly ventilated to control temperature, humidity and the concentration of gases, and to provide a good distribution of clean air under a wide variety of external weather conditions.
- 67 It is worth stating that this distance attenuation has been slightly relaxed in relation to other planning applications in the past. However this has only occurred in relation to much lesser deviations from the advised 400 metres, where much fewer numbers of livestock were proposed and further controls e.g. odour management plans were appropriate to prevent the likelihood of amenity issues arising.
- 68 The applicant has submitted a design statement with the application and this states the application allows for the extension of Millhouse Farm and expansion of the applicants business. Environmental Health Officers visited the site and established that Millhouse Farm has several agricultural buildings that are currently being used for general agricultural storage, but livestock have not been housed at this location for the last eight years. The farm has in the past been the operational site for a haulage company. The provision of livestock housing in the context of this application is therefore a new activity and not a replacement of any previous, similar operation on this site.

- 69 My colleagues in Environmental Health made an initial assessment of the planning application and considered that taking into account all the aforementioned material considerations of the proposal, it was their contention that due to the short distance attenuation of the livestock building to existing residential dwellings there was the potential for residential amenity to be adversely affected from odour. The applicant requested an opportunity to address these concerns by commissioning an Odour Impact Assessment (OIA) and submitting an Odour Management Plan (OMP).
- 70 The council has engaged a specialist consultant – Ricardo Energy & Environment to assess the odour impact of the development on behalf of the council. They also gave advice to the applicants' agent Airshed on the scope of the Odour Impact Assessment (OIA) and the outcome of the OIA including the formation of an Odour Management Plan (OMP).
- 71 Ricardo E & E confirmed that the modelling system, meteorological data, and treatment of terrain used by the applicant's consultant are all appropriate for this study.
- 72 The assessment relies on an odour benchmark at a strength which is considered to represent a moderately significant impact on amenity. This benchmark has been drawn from the Institute of Air Quality Management (IAQM) and SEPA's odour guidance, in which it is specified in relation to odours from intensive agriculture. It may be over-demanding in relation to the assessment of odours from the proposed facility which is relatively small scale, located in an agricultural area, and is not a prescribed intensive agricultural activity. This benchmark would apply at residential properties but not at locations where short term exposure may occur (e.g. foot paths, roadways).
- 73 The assessment evaluates a series of uncertainties associated with carrying out odour assessment: The key uncertainties are (i) significant variation in emissions data from different reference sources; and (ii) difficulties in estimating emissions which are fleeting in nature. The consultant considers that the finding based on such data should be treated with caution and regarded as indicative. It was agreed that there are variations in emission data and therefore would urge that for the protection of amenity a precautionary view should be adopted. The precautionary view would also take into account any uncertainty associated with dispersion modelling, terrain or surface roughness.
- 74 The report summarises the results in the form of a sensitivity analysis. The applicant's odour report concludes that there would be a minor adverse impact at four properties, and an insignificant impact elsewhere.

- 75 Environmental Health were involved in further discussions Ricardo E & E about the odour contours predicted around the proposed development. The most significant contour showed an odour level which would be recognised as the benchmark whereby exposure to this level (or below) could be considered such that there would be 'no reasonable grounds for complaint' (equivalent of Airshed's minor adverse impact). This contour does not run through any dwellings but runs through the garden at one property. This indicates that there may be identifiable odour, but due to the surrounding agricultural environment exposure at such levels should not be deemed significant, i.e. unreasonable. That does not, however, mean that any sensitive resident would not complain, but if Airshed's contours are correct a nuisance would not be identified.
- 76 To ensure the potential for odour is minimised an Odour Management Plan (OMP) has been submitted in support of this application, which Ricardo E & E have reviewed. The OMP is required to include measures which deliver control on odours such that an acceptable odour level can be achieved at all sensitive properties.
- 77 Environmental Health requested amendments to the OMP all of which have been included. The final plan demonstrates a comprehensive document that formalises and sets controls and management measures to minimise odour emissions to existing residential receptors.
- 78 A condition will be added to ensure that the OMP is complied with and a second odour condition added to address any possible issues once the facility is in operation. The OMP due to the importance of the document is included as an appendix to the paper.

Noise

- 79 Planning Advice Note (PAN) 1/2011: Planning and Noise provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.
- 80 The potential noise from this development could arise from a number of sources; the daily operations, the cattle, operation of vehicles and machinery. A Noise Impact Assessment (NIA) was requested to address these concerns. The purpose of a NIA is to demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact.

- 81 An initial NIA was submitted and subsequently revised after discussions with Environmental Health. Officers from Environmental Health have also visited the application site and a noise measurement survey was carried out while a telehandler was in operation as this will be representative of the machine to be used on the site.
- 82 Environmental Health would typically allow +5dB above the LA90 background as acceptable in a BS4142 assessment and given the worst affected property, Glenrossie, the difference is 0dB with no correction in the revised assessment, this would be acceptable. Even with a +2 and +3 dB correction being applied for tonality and intermittency respectively in the future, the level would also be acceptable at Glenrossie.
- 83 Therefore due to the results of the updated assessment and the recent measurements taken EH can now support this application with the inclusion of conditions in relation to noise. The noise condition will be related to the operating time of the site and limited to a noise rating level from neighbouring residential properties.

Pollution

- 84 Agricultural pollution is the contamination of the soil, air and water environments resulting from farming activities. In this case the run-off from farm roads and yards, farm buildings and roofs after rainfall are all potential sources of pollution. Measures to reduce the risk of pollution at the farm steading (for example, improved collection and storage of silage effluent, fuel oil and pesticides) have successfully reduced the risk of direct discharges to rivers.
- 85 The Scottish Government in the 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice gives detailed advice on minimising pollution in relation to farming activities.
- 86 The whole site will be surfaced with asphalt or concrete so sweeping and dust control will be easily managed. Solid waste from the site such as plastic and cardboard will be stored and uplifted. Liquid waste will be treated via an onsite process. There will be no slurry as deep bedded straw cattle courts are proposed with dung removed from the building.
- 87 The development would therefore not be expected, if managed correctly, to pollute nearby watercourses if good practice advice is followed.

Conservation Area

- 88 The site is located over 300m from Dunning Conservation Area. It is considered that the intervening distance incorporating the landscape features and existing built development would reduce any impact from the development on the setting or character of the Conservation Area.

Roads and Access

- 89 The site is served by an existing access road (which was approved ref 12/02169/FLL) from the B934 to Millhouse farm. This access road has been constructed up to a standard which could serve the proposed development. A parking area is proposed to the northeast of the site.
- 90 The large vehicle movements to and from the site will occur when the weaned calves come onto site in September delivered in lot sizes of 40-50 involving approximately eight to ten vehicle movements. Then when the cattle are ready to leave between April and July they will leave in lot sizes of 20 - 25, resulting in fourteen to sixteen vehicle movements.
- 91 There will be daily vehicle movements around the site. Two people will be working on site with management and visitors estimated at 3-4 movements a day. An adequate parking area has been provided. Deliveries of feed will be monthly.
- 92 Concerns have been raised regarding the existing road network and HGV traffic. Most movements will be confined to the immediate area and daily movements will not involve HGVs. Transport Planning have no objection to the proposal and consider that the scale of the development and vehicle movements are not significant. They also note that movements along the public road cannot be controlled and given that there are no restrictions in place on the public road which serves the site, it is acceptable for large vehicles to use the route.

Flooding and Drainage

- 93 The site lies partially within the 0.5% annual probability (or 1 in 200-year) flood extent and as such may be at medium to high risk of flooding from the Dunning Burn (which runs to the north). It should be noted that the Marcassie Burn (to the west) has not been included within the model for the SEPA Flood Map as its catchment is less than 3km² and as such flood risk from this source is unknown.
- 94 SEPA have been in discussion with the Council Flood Team and the applicant's agent Envirocentre regarding unauthorised works within the site and in particular the Marcassie Burn. The activities which have taken place at the site and in the adjacent Marcassie Burn comprise land-raising and in-channel engineering. The SEPA objection was on grounds of lack of information regarding flood risk. This objection was two-fold – had the landraising compromised the natural flood plain of the Marcassie Burn; and secondly, had the in-channel works resulted in increased flood risk by narrowing the channel.
- 95 The unauthorised in-channel engineering works are also subject to SEPA enforcement under Controlled Activities Regulation (CAR) due to a morphological impact on the Marcassie Burn. SEPA issued a Final Warning Letter to the applicant and has had discussion with Envirocentre (the applicant's consultant) regarding the scope of works required at the site.

- 96 A number of meetings have been held and SEPA have received a submission from Envirocentre dated 16 November 2016. SEPA have now reviewed this submission and have withdrawn their objection subject to the imposition of a planning condition attached to any consent the Council is minded to grant.
- 97 The required condition is to ensure the appropriate removal of the rock armouring and erosion protection works in-channel of the Marcassie Burn, then the matters of flood risk and unauthorised engineering activities subject to the Final Warning Letter (FWL) from SEPA will be dealt with.
- 98 One other concern was with regards to the residential aspect and if any additional access/egress from the site is available if the main access is overtopped/flooded from the Marcassie Burn (as suggested in SEPA's report). A plan was provided showing an alternative route to higher ground, and it was to be confirmed that this allowed access/egress to the road further up. In any case it is likely that the main access would remain passable to vehicles in the event of overtopping given the slope of the land which would limit the depth of flood water (flow velocities may restrict pedestrian access hence the need for the alternative route, which was provided).
- 99 Surface water will be handled through an onsite SUDS attenuation system full details of which will be required by condition.

Economic Development

- 100 The applicant has outlined that the development is to be a centre of excellence in cattle rearing so cattle can be showcased to customers of the family's associated food business.
- 101 This development will create employment opportunities and there will be a significant number of downstream economic opportunities associated in terms of the construction period. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

LEGAL AGREEMENTS

- 102 None required.

DIRECTION BY SCOTTISH MINISTERS

- 103 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

- 104 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 The approved Odour Management Plan dated 7 October 2016 as agreed shall be fully implemented and maintained as part of the planning permission.

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

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

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

- 4 Noise levels arising from the development shall not exceed a Rating Level of LAeq time rating 52 dB, when measured over any given 1 hour period, at the façade of any residential property. All measurements shall be determined using the guidance of BS4142:2014 *RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS*, and measurements should be corrected appropriately for acoustic features as described by this standard.

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

- 5 Should any aspect of the operation of this facility lead to a breach of the condition 4 within 14 days of written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

- 6 Prior to commencement of any further development approved under this permission, the applicant shall submit a scheme which shall be agreed in writing with the Council as Planning Authority, in consultation with SEPA, for the remediation of the unauthorised river engineering works on the Marcassie Burn. The scheme as approved shall thereafter be implemented prior to bringing into use of the development hereby approved.

Reason – To secure the remediation of the unauthorised river engineering works on the Marcassie Burn.

- 7 No changes to the external elevations of the buildings as approved is permitted.

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

- 8 Prior to the commencement of any further development approved under this permission, 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.

- 9 The operations within the workshop shall be restricted to small repairs and general maintenance of farm equipment associated with the development as approved.

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

- 10 The hours of operations shall be restricted to 0700 hours to 1900 hours daily.

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

- 11 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.

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

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

- 13 Prior to the installation of any external lighting and internal lighting for the cattle shed, the details 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.

- 14 Prior to the commencement of any further development approved under this permission, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include an area of planting to the northeast to provide a buffer between the site and the residential properties to the north. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 15 During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

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.

- 16 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 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.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 158 letters of representation
Contact Officer: Joanne Ferguson
Date: 26 January 2017

Nick Brian
Interim Head of Planning

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