

Perth and Kinross Council
Development Management Committee – 19 October 2016
Report of Handling by Interim Head of Planning

Erection of a restaurant with associated staff accommodation, parking, servicing and landscaping, Land 70 Metres North West Of Earn House, Lamberkine Drive, Perth
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Ref. No: 16/01187/FLL

Ward No: 10– Perth City South

Summary

This report recommends approval of the application for erection of a restaurant with associated staff accommodation. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan, it will generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. There is also an extant consent on the site for a similar proposal which is considered to be a key material consideration.

BACKGROUND AND DESCRIPTION

- 1 The application site is located at Broxden Business Park, Perth. Broxden Business Park has several established office units, and expansion is proposed on land to the west and north of the developed area, adjacent to the A9. The site is located in the south of the planned area of expansion, sandwiched between the A9 and Lamberkine Drive. Existing road infrastructure is in place within the business park from which access will be taken into the site.
- 2 The surrounding area comprises a mix of uses. The developed area of Broxden Business Park is located to the immediate east of the application site and comprises several modern office buildings, associated parking and landscaping. A further building, the Broxden Dental Centre, is located north of the site, separated from the site by vacant land.
- 3 A residential area is located to the north east of the site and is visually separated from the site by a strip of maturing landscape which includes trees and shrubs, and a row of young trees which have been provided as part of the business park's landscaping.
- 4 Planning consent exists on this application site for the erection of a public house/restaurant and coffee drive thru facility (14/01356/FLL) granted on appeal by the DPEA following an officer recommendation of approval and then refusal at the Development Management Committee.

- 5 Broxden Services is located to the south east of the site on the southern side of the A93. This includes an Esso petrol filling station, Travelodge hotel, McDonald's restaurant and Harvester restaurant. A Park & Ride facility is located to the immediate south of the petrol filling station.
- 6 This application seeks to revise the previous consent by altering the design the restaurant building and changing the use from public house/restaurant to solely a restaurant. The proposal relates specifically to the eastern part of the site only with the coffee drive thru facility not included within the red line boundary as it is to remain as consented.

NATIONAL POLICY AND GUIDANCE

- 7 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.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 9 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014

- 10 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.
- 11 The principal policies are, in summary:

Policy PM1A - Placemaking

- 12 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

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

Policy PM3 - Infrastructure Contributions

- 14 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

- 15 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

- 16 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

- 17 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 EP5 - Nuisance from Artificial Light and Light

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

Policy EP8 - Noise Pollution

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

Policy EP11 - Air Quality Management Areas

- 20 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 21 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Policy CF2 – Public Access

- 22 Development proposals which would have an adverse impact on the integrity of any core path or right of way will be refused.

OTHER POLICIES

- 23 Supplementary Guidance Development Contributions Transport Infrastructure August 2014
- 24 Perth City Plan – seeks to ensure the successful development of the city to meet the needs of residents and businesses.

SITE HISTORY

- 25 07/02592/FUL Erection of a 3 storey headquarters office building with ancillary car parking and access roads plot 4 – Approved April 2008 and partially implemented on site due to formation of access road.
- 26 14/01356/FLL Erection of a restaurant and pub with associated staff accommodation, coffee drive thru, car parking, landscaping and servicing 23 December 2014. Application refused by the Development Management Committee and subsequently granted on appeal by Directorate of Planning and Environmental Appeals (DPEA).

CONSULTATIONS

EXTERNAL

- 27 **Transport Scotland** – No objection subject to conditions
- 28 **Scottish Water** – No response within statutory period

INTERNAL

- 29 **Contaminated Land Officer** – condition recommended to deal with potential contaminated land.
- 30 **Environmental Health** –Condition regarding delivery hours, dust control and noise recommended.
- 31 **Transport Planning** –Transport Statement considered acceptable

- 32 **Developer Contributions Officer** – contribution not required as contribution towards extant consent already made

REPRESENTATIONS

- 33 None received

ADDITIONAL STATEMENTS

34

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Yes
Report on Impact or Potential Impact	Transport Statement, Drainage Statement, Economic Impact Statement, Ground Investigation Report submitted

APPRAISAL

Policy Appraisal

- 35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy in terms of the principle of the proposal is Policy ED1A Employment and Mixed Use Areas. This states that areas identified for employment uses shall be retained for such use. Development within these areas must be compatible with surrounding land uses. The policy also identifies a number of criteria which all development should be assessed against and these will be considered in detail within this report. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below. The extant consent for a restaurant/public house on this site is a key material consideration in the assessment of this revised scheme.

Principle

- 36 As outlined above Policy ED1A relates to employment and mixed use areas. It states that development must be compatible with surrounding land uses. It is noted that the original intentions for this site and surrounding plots are for Class 4 office uses and it is evident that the adjacent plots to the east are occupied by office development. The site has been marketed for some time by Perth and Kinross Council. Some

market commentary was provided with the previous application which indicates that the vast majority of enquiries received regarding this site related to employment uses such as dental or veterinary practices or nursery use and that there has been limited interest from office owner occupiers. The commentary stated that there has been high demand for alternative complimentary uses such as a pub/restaurant and coffee shop which is intended to provide supporting services to the wider business park.

- 37 The Reporter on the previous application indicated that they considered the proposed public house/restaurant use would serve as a catalyst for further development within this employment area and granted consent on that basis. I am satisfied that an alteration to the overall use to provide solely a restaurant rather than a public house/restaurant would still provide the same complimentary use to the wider employment land allocation and would similarly act as a catalyst for further development.

Economic Impact

- 38 An Economic Impact Statement (EIS) accompanied the previous application and remains relevant to this revised proposal. An update has also been provided to reflect this revised submission. One of the main elements of the LDP is to deliver sustainable economic growth to Perth and Kinross and the provision of employment land is a key element in the delivery of this. It encourages sustainability and sites where new employment allocations are proposed to be linked to residential areas and the public transport network.
- 39 The applicant argues that the proposed development will compliment the existing business park development by providing associated facilities which will be within easy access of the existing office developments and will also help to potentially encourage the development of the remaining lots within the business park. It goes on to emphasise the applicant is committed to employ and train local people on the site.
- 40 The National Planning Framework 3 (2014) and Scottish Planning Policy (2014) requires Local Authorities to apportion appropriate weight on the economic growth implications of development proposals within the planning system and incorporate a presumption in favour of economic development. In this instance I believe the restaurant, similar to the extant consent will act as a complimentary use to the established office uses and nearby residential area. It is noted from the evidence submitted that the demand for owner/occupier office uses on this site is limited and this proposal presents an opportunity for the site to be developed by a use which does compliment the existing uses and provides benefit to the local economy through job creation. Furthermore it will provide additional amenity to the business park and nearby residential area, together with attracting passing trade from the nearby by trunk road network and will potentially stimulate demand from investors in other vacant parcels of land at the business park.
- 41 There will also be economic benefit associated with the construction phase of the development which is outlined in detail within the EIS. Furthermore there will be

associated indirect benefits from construction with materials, goods and services being required.

Employment

- 42 The application indicates that the proposed restaurant will generate 31 full time equivalent (FTE) jobs, which is similar to the level indicated in the extant consent. This is coupled with 19 direct FTE jobs during the construction phase.
- 43 It is therefore evident that the proposed development will contribute significantly to economic growth with Perth and Kinross and be of benefit as a whole to the local economy, similar to the extant consent and meet the over arching requirements of the Perth City Plan which seeks to support growth of the city and surrounding region. As such the proposal is considered to meet the overarching requirements of the NPF 3 and SPP 2014 in regard to sustainable economic growth. Whilst the proposal does not specifically relate to the established uses within the existing business park it will provide a complimentary facility and also cater for the nearby residential area. Given the location of the development it also considered to serve a specific catchment and will therefore not have any significant detrimental impact on the city centre where similar uses exist. As such this type of use within an area designated for employment uses is considered to be appropriate in this particular instance. As outlined above Policy ED1A requires the proposal to meet a number of criteria in relation to issues such as residential amenity, access and transport, sustainable transport links, and bio diversity. Each of these criteria and other relevant issues will be assessed in detail in the paragraphs below.

Residential Amenity (Noise)

- 44 Policy ED1A requires proposals not to detract from the amenity of adjacent residential areas. Similarly Policy EP8 refers to noise pollution and states that there is a presumption against the siting of development which is likely to generate a high level of noise adjacent to noise sensitive land uses. Policy PM1A also requires development to respect the amenity of the place where development is proposed. The proposed public house/restaurant will generate noise and there are noise sensitive residential properties located to the north east on Coldstream Avenue. These houses are separated from the application site by Lamberkine Drive and a landscape belt. There is likely to be a relatively high level of background noise at this site due to the adjacent Broxden roundabout and motorway network and as such I believe noise levels generated by plant and machinery associated with the development are unlikely to be of a level which would result in disturbance to neighbouring residential properties. Furthermore the level of noise from this equipment can be adequately controlled by using a condition on any consent given. Similarly a condition can control the times for deliveries to the restaurant similar to the extant consent to ensure these do not take place at times which would cause disturbance to residents.
- 45 The proposed delivery and service yard is located on the eastern side of the building in the corner of the site and will be partially enclosed by the proposed building and the adjacent office building. The distance of the delivery and service area from the

residential properties (approximately 80 metres) will also help to negate any noise impact.

Anti-Social Behaviour/Litter

- 46 I appreciate that this type of use often results in local anxiety, mostly relating to anti-social behaviour, noise outside the premise and litter issues, however these matters do not normally fall within the controls of planning and are not considered to be valid material considerations. There is no certainty that the proposed use would give rise to such problems or alter the status quo significantly. In any case I consider Perth and Kinross Council and other appropriate bodies, such as the police, have separate statutory duties to investigate any such problems and to take appropriate action to control these issues where they are found to exist.

Access/Traffic/Transport

- 47 Policy TA1B of the LDP requires new development to be well served and easily accessible by all modes of transport. A Transport Statement accompanies the application. This provides an assessment of the impact of the proposed development on the local road network together with the adjacent trunk road network. It also provides a consideration of the proposed parking arrangements, particularly given the concerns expressed by residents regarding the limited parking facilities which exist for the adjacent office uses and the parking which previously occurred within the neighbouring residential area.

Parking/Trip Generation

- 48 The car park layout remains similar to the consented scheme. A revised Transport Statement outlines the likely trip generations created by the proposed restaurant.
- 49 Having consulted within the Council's Transport Planners it is considered that the level of car parking proposed would meet the Council's requirements based upon the floor area of the proposed buildings.
- 50 The revised Transport Statement (TS) which accompanies the application indicates the likely trip generations associated with the proposal. The proposed restaurant is proposed to result in 60 generated trips in total during a weekday PM peak and on a Saturday peak it will generate 43 trips in total. There will also be people walking to the site from the nearby residential areas.
- 51 This proposal replaces an extant restaurant/public house consent and the trip generation is considered to be similar to that consent. The type of development is also likely to allow trips to be spread out more evenly throughout the day rather than being focussed on AM and PM weekday peak periods. It is noted that the proposal will generate more weekend traffic, but the existing road network is considered to be capable of accommodating this traffic during the weekend, particularly given that the adjacent office uses will be less busy during the weekend.

Servicing

- 52 As outlined above a designated service area is proposed on the eastern side of the site with access take through the proposed car parking area for the wider development. There is adequate room within the site to accommodate service vehicles and a swept path analysis has been provided to demonstrate this.

Cycling

- 53 There is a local Sustrans cycling route which begins at Lamberkine Drive and follows a mainly traffic free route to the junction of the A93 and B9112. This route is located to the north of the development site along Lamberkine Drive. In order to cater for cyclists on the site I intend to recommend a condition to ensure adequate covered cycle parking facilities are provided on site.

Walking

- 54 There is an existing footpath along the north and south sides of Lamberkine Drive which the development will connect into utilising a new footpath into the north side of the site. The existing footpaths on Lamberkine Drive will connect into the wider footpath network serving the surrounding area and Perth. The proposed coffee outlet, in particular, is likely to generate pedestrian footfall from both the adjacent offices and residential area. As such pedestrian access to the site is considered to be well catered for.

Public Transport

- 55 There are two bus stops, one on Lamberkine Drive (to the east) and one on Cedar Drive (to the north) within close proximity to the site which provide frequent links to the city centre and Scone. These are both located within the recognised 400 metre walking distance threshold from the application site. There are also bus stops on Glasgow Road which provide services to Auchterarder and cater for Citylink services, which, whilst outwith the 400m threshold walking distance could potentially be used for employees to get to and from the application site.

Travel Plan

- 56 Following discussions with Transport Planning a Travel Plan is to be prepared which outlines the proposed travel arrangements for staff who will utilise the development should consent be granted. This can be requested through a suitably worded planning condition.

Trunk Road Network

- 57 The A9 trunk road is located to the west of the site which connects onto the Broxden Roundabout which has links to the M90 to Edinburgh, A9 to Stirling and A90 to Dundee. The application site is therefore considered to be well catered for in terms of vehicular access. Transport Scotland have been consulted on the proposal in terms of potential impact on the trunk road network and offered no objection subject to conditions which protect the existing trunk road network. These include the provision of an unclimbable barrier and screening between the site and the trunk road which has now been added to the layout plan. The other conditions recommended include ensuring lighting does not spill onto the trunk road and ensuring that no drainage is connected to the trunk road drainage system and that no advertising signs are erected. The display of signage is controlled by separate Display of Advertisement regulations and therefore it is not considered necessary for a condition to be imposed in that regard.
- 58 The proposal is therefore considered to comply with the requirements of Policy TA1B of the LDP.

Waste Collection

- 59 A service yard and bin storage area are proposed on the eastern side of the site which will provide adequate access for refuse vehicles to enter the site in a forward gear.

Drainage

- 60 A Sustainable Urban Drainage System (SUDS) is proposed with surface water run off from external hard surfaces draining to stone attenuation chambers via permeable paving within the car parking areas and filter trenches. Controlled discharge, after treatment, is proposed to a nearby water course. The site is proposed to connect to the public waste water drainage system. The proposed drainage arrangements are considered to meet the requirements of the LDP.

Design/Layout

- 61 The design of the restaurant is contemporary and similar to the extant consent on the site although the footprint of the building is now greater. It also results in a larger and more imposing north elevation. Following discussion with the applicant's agent the materials on this elevation were altered to help to break up its extent and help to reduce its overall mass and bulk. Whilst the scale of the building is greater than the extant consent I am satisfied that it can be successfully accommodated on the site without detriment to the visual amenity of the area.
- 62 The building is proposed to have varying ridge heights which will help to break up its overall mass. The tallest part of the building, which is located in the north east corner of the building and will act as the main pedestrian access into the building, is to be 8m in height. It will act as the focal point for the building with all other elements having a lower ridge height. The adjacent office building is approximately 10.8m tall

at its highest point and as such the height of the proposed building is considered to relate relatively well to its surroundings.

- 63 Similar to the extant consent, the principle elevations of the building are proposed to face north and east. The orientation of the building is considered to be appropriate with the principle elevations facing the main approaches to the building from the local road network on Lamberkine Drive but also towards the south bound A9 trunk road. The position of the restaurant in the south corner of the site allows it to relate to the building line established by the adjacent office buildings. As the site acts as a corner plot within the wider development, I believe the positioning and orientation of the building works successfully, enabling the building to relate to both the road network and the building line of the offices.
- 64 I am satisfied that the design of the proposed building meets the requirements of Policy PM1B which relates to Placemaking and requires development to relate to the area in terms of appearance, height, scale, massing, materials, finishes and colours.

Air Quality

- 65 The application site is located within the Perth Air Quality Management Area where policy EP11 of the LDP applies. This states that development proposals which would adversely affect air quality may not be permitted. As such an Air Quality Assessment was submitted as part of the previous application. Environmental Health have confirmed that they are satisfied with the assessment made and that it remains relevant to this proposal subject to the same conditions to secure appropriate mitigation.

Developer Contributions

- 66 This site has extant consent for a restaurant/pub under 14/01356/FLL. A contribution towards Transport Infrastructure was paid in relation to this development. No contribution towards Transport Infrastructure is required.

Bio Diversity

- 67 Policy NE3 relates to bio diversity and seeks to protect and enhance all wildlife and wildlife habitats whether formally designated or not. The submission includes an updated Habitat Survey. This concludes that there are bat species and schedule 1 birds located within 1km of the site. Badgers were recorded within 1km of the site. No other mammals were recorded. It is clear that there are hedgerows, trees and landscaped areas which could accommodate wildlife habitat and as such recommendations are contained within the habitat survey regarding timing of works and control of silt and run off to the adjacent watercourse. The recommendations will be included as a condition on any consent given. Subject to this condition it is considered that the proposal will meet the requirements of Policy NE3 of the LDP.

Lighting

- 68 The car park area is proposed to be illuminated and a car park lighting report accompanies the application. The extent of lighting for the car park is considered appropriate and is similar to the lighting arrangements within car parking areas on the adjacent office buildings. Transport Scotland have recommended a planning condition to ensure there is no light spillage to the trunk road. I am also satisfied that there is sufficient distance from the application site to the residential properties to ensure there is no significant light spillage into that area. I am therefore satisfied that the proposal meets the requirements of Policy EP5 which refers to light pollution.

Contaminated Land

- 69 A site investigation report has been submitted with the application which has identified elevated levels of carbon dioxide in the ground gas. Gas protection measures are recommended within this investigation and the Contaminated Land Officer has recommended that these protection measures are secured by condition.

Flooding

- 70 Having examined SEPA's flood maps it is considered that the application site is located outwith areas which are susceptible to flood risk.

Right Of Way

- 71 There is a recognised right of way on the eastern boundary of the site which links Lamberkine Drive with the south boundary of the site. There is no provision for access along this route in the submitted plans. It is clearly evident from a site visit that this right of way does not provide pedestrian access to the south onto Broxden due to the existing boundary treatments, planting and topography at the southern end of the site. I consider there to be adequate pedestrian access along Lamberkine Drive and also along the designated CTYS/112/1 towards the other facilities in the Broxden area and do not consider it to be necessary for this route to be included within the detailed plans for the site.

LEGAL AGREEMENTS

- 72 None required.

DIRECTION BY SCOTTISH MINISTERS

- 73 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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

- 74 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. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan it will generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. Furthermore there is an extant consent on site for a very similar proposal which is considered to be a significant material consideration in the assessment of this proposal. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve subject to the following conditions:

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

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

- 2 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

- 4 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.

Reason - To ensure an adequate travel plan is provided and to encourage the use sustainable modes of transport.

- 5 Prior to the completion or bringing into use of any part of the development the agreed gas protection measures shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented shall be submitted to and approved in writing by the Planning Authority.

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

- 6 The dust control measures as outlined in Appendix 2 - Dust Control Measures During Construction of the Airshed report dated 24 September 2014 submitted with application 14/01356/FLL shall be strictly adhered to during construction operations, to the satisfaction of the Council as Planning Authority.

Reason - In order to protect air quality.

- 7 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

- 8 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 9 The delivery of goods to the premises shall take place between 07.00hrs to 19.00hrs Mondays to Saturdays and 09.00hrs to 17.00hrs on a Sunday

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

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

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

- 11 There shall be no drainage connections to the trunk road drainage system.

Reason - To ensure the efficiency of the existing trunk road drainage network is not affected.

- 12 There shall be no advertisements within or adjacent to the trunk road boundary.

Reason – To ensure that there will be no distraction or dazzle to driver on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 13 Prior to the commencement of any development details of an unclimbable barrier along the boundary of the site adjacent to the trunk road shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. The barrier shall be installed prior to the development being brought into use and maintained in perpetuity.

Reason – To ensure the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

- 14 The staff accommodation at first floor level within the restaurant building, hereby approved, shall be occupied solely by individuals employed at the restaurant building to the satisfaction of the Council as Planning Authority.

Reason - To control the occupancy of the accommodation given the proximity to the commercial operations.

- 15 Prior to the commencement of any development, details of the location and design of a covered cycle parking facility for 12 cycles shall be submitted for the written approval of the Planning Authority. The cycle parking facility, as approved, shall be implemented and completed as part of the site development programme to the satisfaction of the Council as Planning Authority.

Reason - In order to provide adequate cycle parking facilities on site and to encourage sustainable modes of transport.

B JUSTIFICATION

The proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan it will, nevertheless, generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. There is also an extant consent for a similar proposal on this site which is considered to be a significant material consideration.

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 any proposed signage will require a further application to be submitted for advertisement consent.

Background Papers: None.

Contact Officer: John Williamson – Ext 75360

Date: 29 September 2016

NICK BRIAN
Interim Head of Planning

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