

Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Report of Handling by Strategic Lead - Economy, Development & Planning
(Report No. 24/167)

PROPOSAL:	Change of use of agricultural buildings and land to business (class 4), general industry (class 5), storage and distribution (class 6) (in retrospect)
LOCATION:	Land 250 Metres South East Of Isla Villa, Grange, Errol

Ref. No: [23/00960/FLL](#)
Ward No: P1 - Carse Of Gowrie

Summary

This report recommends approval of a retrospective detailed planning application to regulate the change of use of a series of buildings and their associated outside space to business (Class 4), general industry (Class 5) and storage and distribution (Class 6) uses on a site within the Grange/Errol Airfield settlement, 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 This planning application seeks to regulate a number of unlawful existing uses on a site within the settlement of Grange/Errol Airfield. The site is currently used by a number of established businesses, whose activities fall within either business (Class 4), General Industry (class 5) or Storage and Distribution (Class 6) uses. The site comprises three principal buildings which were originally built for either poultry use or as aircraft hangers, but the uses of these building have moved onto other types of business and commercial uses over the years. Two of these buildings (Yard 75) are joined with a small connecting link. In between the buildings are areas of hardstanding (former taxi runways/parking areas for planes) and grassed areas - both of which have been used for outside storage.
- 2 All three of the buildings have been renovated over the years, with new external cladding and internal alterations. Those alterations are not part of this planning application as they are considered to be a mix of either permitted and / or de-minimis development which does not require to be regulated.
- 3 Vehicular access to the site is via a private access which is partially shared with several residential properties. The access is immediately adjacent to some of

those properties' residential curtilages. A large area of land adjacent to the vehicular access has been included within the planning application site boundary. This area is not proposed for any outside storage but was included within the planning submission to allow for alternative access 'options' to be available to the applicant if deemed necessary and appropriate.

PRE-APPLICATION CONSULTATION

- 4 The proposal is not of a scale which requires formal pre-application consultation with the local community.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 The proposal is not of a scale which requires assessment through EIA.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises National Planning Framework 4 (NPF4), Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

National Planning Framework 4

- 7 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 14: Design, Quality and Place
 - Policy 26: Business and Industry

Perth and Kinross Local Development Plan 2 (2019)

- 9 The Local Development Plan 2 (2019) (LDP2) 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.

10 The principal part of the site is located within the settlement of the Grange/Errol Airfield, and the area has been identified as a mixed use site. A small section of the existing access which is proposed to be use to access the site is located outwith the settlement boundary. The following policies are therefore applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Developer Contributions
- Policy 6: Settlement Boundaries
- Policy 7B: Mixed Use Sites
- Policy 41: Biodiversity
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport Standards and Accessibility Requirements

Statutory Supplementary Planning Guidance

11 The following statutory SPG are applicable to this proposal,

- Placemaking 2020
- Developer Contributions and Affordable Housing 2023

OTHER PKC POLICIES

Non-Statutory Planning Guidance

12 The following non-statutory PG is applicable,

- Planning & Nature 2020

NATIONAL PLANNING GUIDANCE

13 The Scottish Government expresses its planning policies and guidance through Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

SITE HISTORY

- 15 21/00827/LAW - Use of land as (Class 4) business and light industry (existing). This application was refused due to insufficient evidence to demonstrate that the existing use(s) were lawful.
- 16 22/00101/LAW - Use of units as business and light industry, general industrial and storage or distribution (existing) - This application was refused due to insufficient evidence to demonstrate that the existing use(s) were lawful. A subsequent appeal of that decision to the DPEA was dismissed.

CONSULTATIONS

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

External

Scottish Water

- 18 No objection to the proposal.

Internal

Transportation and Development

- 19 No objection to the proposal in terms of the means of the vehicular access and parking provision, subject to improvements to the junction to the public road.

Flooding and Structures

- 20 No objection subject to conditions concerning surface water disposal and clarification of alternative routes to and from the site, and a flood action plan during a flood event.

Community Waste

- 21 No objections in terms of waste and recycling provision.

Developer Contributions Officer

- 22 No requirement for any developer contributions.

Environmental Health

- 23 No objection in terms contaminated land issues or noise, subject to conditions being attached to any permission.

REPRESENTATIONS

24 Thirteen letters of representation have been received, of which six are objecting and seven are offering support. In terms of the letters of objections, the main issues which have been raised are,

- Contrary to the Development Plan
- Inappropriate land use
- Traffic concerns
- Impact on residential amenity via noise nuisance

25 These issues are addressed below in the main appraisal section.

26 In terms of the letters of support, these largely relate to the economic benefit that the proposal would bring to the area. In addition to the individual representations, the Local Community Council have made a representation which is neutral, suggesting that if the proposal was to be supported then conditions relating to the junction, the surface of the road and operating hours should be considered.

ADDITIONAL STATEMENTS

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Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Supporting statement
Report on Impact or Potential Impact	Noise Impact Assessment

APPRAISAL

28 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 Development Plan comprises NPF4, the LDP2 and statutory SPG. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

29 In terms of other material considerations, this involves considerations of the sites previous planning history, and consideration of the Council's non-statutory planning guidance.

Policy

30 There are relevant policies contained in all parts of the Development Plan.

- 31 Within the NPF4, Policy 3 (biodiversity) places biodiversity front and centre of all planning decisions whilst Policy 14 (Design, quality and place) promotes high quality design for all new proposals. Policy 26 (business and industry) supports and promotes new businesses and the expansion of existing ones in suitable locations but only in cases when they are proven to be compatible with existing land uses.
- 32 Within the LDP2, with the exception of the proposed (existing) vehicular access, the principal area of the site lies within the settlement of Grange/Errol Airfield where land use Policies 1 (placemaking), 6 (Settlement Boundaries), 7B (mixed use sites), 41 (biodiversity), 55 (Artificial light), 56 (noise nuisance) and 60 (Transport Standards) are all applicable.
- 33 Policy 1 seeks to ensure that all new developments do not have an adverse impact on the local environment, which includes visual and residential amenity impacts. Policy 6 looks to limit new development on area which are immediately adjacent and outwith settlement boundaries. Policy 7B identifies areas for mixed use which are intended to promote the integration of employment opportunities with housing, but subject to certain criteria being met and delivered. Policy 41 seeks to protect both local and protected wildlife, whilst Policies 55 and 56 looks to protect residential amenity from both artificial light pollution and noise nuisance. Policy 60 looks to ensure that all matters concerning access and parking related matters comply with both the Council's standards and that of the NRDG.
- 34 In terms of statutory SPG, the Council's policies on Placemaking, Developer Contributions and Housing in the Countryside are all applicable, and the content of these broadly follows the comparable LDP2 policies.

Land Use Acceptability

- 35 With the exception of part of the (existing) vehicular access site, the majority of the site has been identified within the LDP2 as an existing area of mixed use where Policy 7B of the LDP2 is directly applicable. In terms of this policy, 'mixed use' is defined as being a range of uses including residential, offices, light industry, surgeries and leisure, and new proposals which look to introduce these uses into areas identified as being of 'mixed use' will generally be acceptable. For the avoidance of doubt, light industry is typically defined as a use which can be undertaken in a residential area without detriment to the amenity of the area by generating noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 36 On the site at present there is a mix of different uses, however these are all industrial and commercial in nature with no residential. There are however existing residential uses along the vehicular access to the site.
- 37 In addition to the uses listed under Policy 7B of the LDP2, this planning application seeks the approval for a General Industrial Use (Class 5), which is what the activities associated with Alfa Doors would typically fall under. With the

exception of Alfa Doors, the other existing uses across the site would typically fall under a combination of Class 4 (business) and Class 6 (Storage and Distribution). To allow for flexibility, this application seeks approval for all three classes across the site, without specific restrictions on individual buildings and / or operators.

- 38 In order to comply with Policy 7B of the LDP2 and the more general requirements of Policy 56 of the LDP2, the proposed uses must be proven to be compatible with residential amenity, and ordinarily a Class 5 use could be incompatible with a residential use, depending on the individual location, relationships between the uses and the circumstances of the businesses. On a similar theme, Policy 26: Business and Industry of NPF4 also outlines that proposals will be supported where they are compatible with the primary business function of the area, whilst also in part d) consider the impact on surrounding residential amenity.
- 39 To demonstrate the level of noise arising from the current operators, a Noise Impact Assessment (NIA) was undertaken and submitted to support the planning application. Within the NIA, predicted 'worse' case scenarios have been established, and the results show that in the event of all the building(s) being in operation, including the use of 'noisy' machinery and 'noisy' working, the predicted impact on the residential properties would be within acceptable levels. The NIA indicates that the principal noise generator in terms of activities onsite is Alfa Doors in Building/Yard 74, and after visiting the site the Council does not dispute this position.
- 40 The NIA has been reviewed by Environmental Health, and the methodology and assumptions are all in accordance with recognised standards. Subject to the imposing of a number of compliance conditions, the amenity of existing residential properties should be protected to acceptable levels. The most significant conditions are that noise from each building should not exceed 35db during daytime and 25db during the night (Condition 4). A separate condition requires further technical assessments and then mitigation, if a valid noise complaint is raised and verified, in relation to activities within the principal industrial areas (Condition 8). In light of these conditions, and the presumptions made within the NIA, it is not considered necessary to restrict this permission to the existing user.
- 41 Within the representations, a number of similar concerns have been raised relating to noise and dust which is directly generated by HGVs visiting the site for deliveries as opposed to those collecting waste /recycling. The NIA principally covers operational noise from the site, but the NIA has considered noise levels from deliveries and vehicles movements which are typical in terms of their timings and volume. The noise data does not suggest noise levels of unacceptable standards. There is no doubt that the surface of the road is poor and a better surface adjacent to the affected residential properties would help to reduce both noise levels from movement and also dust during dry periods. However, a bound service from the junction to the site would be unreasonable, unproportionate and unjustified and would fail to meet the tests of a competent

condition. Alternatively, a minor improvement to the 2nd bend is more reasonable and proportionate to protect residential amenity and has been recommended as a condition (Condition 10).

- 42 In terms of the location of the access, and it being outwith the settlement boundary, this does not raise any concerns. The access is existing, and it would be unreasonable to take a view that the development was contrary to Policy 6 of the LDP2 for this reason. The area adjacent to the access which was included to allow the applicant 'options' to amend the access route if it was required, will be conditioned out of this permission as development (outside storage) within that area would be considered contrary to the LDP2 (Condition 12).
- 43 Subject to conditions, the proposal is considered to be consistent with the relevant land use policies of the LDP2, and Policy 26 of the NPF4 which supports business and industry in suitable locations.

Visual Amenity, Design and Layout

- 44 The principal impact on the visual amenity of the area is the potential for outside storage to cause visual clutter, which can often occur with unfettered outside storage. At the time of the most recent site visit the outside space was being managed in a way which did not raise any visual offence, and in the absence of any existing planning controls, this would largely be due to the diligence of the occupiers of the various buildings. It is also the case that the area is not that readily visible from the public road, and anyone taking offence at the visual appearance of the site would have to be visiting the site, and visiting one of the operating businesses or employed there.
- 45 The existing position could however change fairly quickly with a new operator / owner coming in, and in light of this and in order to monitor the appearance of the site it is recommended that permission is granted for areas of outside storage but only for a temporary period. After the expiry of that, a review of the successfulness of the self-regulation can be made and a decision made as to whether or not a further period of temporary permission should be forthcoming (Condition 9).

Residential Amenity

- 46 In support of the planning application, a noise impact assessment (NIA) has been submitted. Within that assessment 'worse' case scenarios have been predicted, and the results show that in the event of all the buildings being in operation for uses which fall within general industry i.e. the use of machinery and 'noisy' working, the impact on the residential properties is within acceptable levels. The NIA has taken into account typical delivery times and the volume of HGVs using the vehicular access. The NIA has been reviewed by Environmental Health, and subject to conditions to a number of compliance conditions they have no concerns in relation to noise matters. It should be noted that one of these conditions requires further technical assessments and then mitigation, if a valid

noise complaint is raised in relation to activities within the principal industrial areas (Condition 8).

- 47 In terms of artificial light, a compliance condition is recommended which will ensure that light spillage is controlled so that it does not spill onto neighbouring land (Condition 6).
- 48 As addressed above, there is a slight concern over the condition of the access where it bounds the curtilages of the residential properties. Surfacing a short stretch of this access would reduce the potential for dust, and inevitably would also reduce some of the noise levels coming from HGVs.

Roads and Access

- 49 In principle, the proposal raises no issues in terms of the vehicular access or parking related matters – which are all as existing. It is noted that a number of the representation raises concerns over the access, and whilst it is recommended that part of the access is surfaced (for amenity reasons), in terms of road and pedestrian safety matters the existing arrangement is acceptable and raises no concerns in relation to compatibility with Policy 60 of the LDP2.

Trees

- 50 There are trees to the west of the site, however these trees are not affected by the proposal and suitable protection measures can be implemented to ensure that no unnecessary damage occurs in relation to the access improvement works.

Impact on Biodiversity

- 51 The uses are all existing, so the impact on biodiversity is low. There does remain an opportunity to provide for some bio-diversity enhancements, and to deliver this it is recommended that 4 bat boxes and 4 bird nesting boxes are installed within the curtilage of the site (Condition 11). Subject to this, the proposal raises no issues with the bio-diversity policies contained within the Development Plan.

Drainage and Flooding

- 52 The proposal raises no issues in terms flooding issues. The principal part of the site is not liable to be affected by flood risk, whilst only parts of the vehicular access are identified as being at potential risk of flooding. Nevertheless, to ensure that the operators of the site have suitable contingencies in place for emergencies during a flood event, it is recommended that a flood action plan is submitted to and then approved in writing by the Council as Planning Authority. It should also be borne in mind that due to the nature of the development, the number of people 'on site' at any one time would not significant and largely limited to staff, and those making deliveries In terms of drainage matters, the

applicant has indicated that there is agreement in place to connect to an existing system which is already installed and servicing the property to the south. Subject to the necessary agreement from Building Standards, and SEPA the principle of this raises no concerns.

Developer Contributions

- 53 The proposal has no requirement for any Developer Contributions or Affordable Housing provision.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 54 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 55 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory SPG. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application, 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 decision notice.

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

2. The hours of operation shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no operations permitted on Sundays.

Reason - In order to protect existing residential amenity.

3. 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 order to protect existing residential amenity.

4. 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 order to protect existing residential amenity.

5. The sound insulation and sound transmission properties of the structure and finishes shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the Council as Planning Authority.

Reason - In order to protect existing residential amenity.

6. 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 order to protect existing residential amenity.

7. Noise from operations on site shall not exceed $L_{A90,1 \text{ hour}}$ background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics when measured at any residential property in accordance with BS4142:2014+A1:2019.

Reason - In order to protect existing residential amenity.

8. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant (approved in writing by the Council as Planning Authority) to carry out a noise assessment to verify compliance with conditions 4, 5 and 7 above. The assessment will be carried out to an appropriate methodology that has been approved in writing with the Council. If the noise assessment shows that the noise levels do not comply with conditions 4, 5 and 7 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 Council with 28 days of the assessment. The approved mitigation scheme shall thereafter be implemented in full and within the approved timescales.

Reason - In order to protect existing residential amenity.

9. All areas of outside storage use are temporary until 30 June 2029.

Reason - In order to reserve the right of the Council to consider the appropriateness of the use of areas for outside storage within a reasonable timeline.

10. Within 3 months from the date of the decision notice, a detailed scheme for the improvements of the vehicular access up to the 2nd bend from the public road, shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification, timing and long-term maintenance strategy, together with any necessary tree protection. Thereafter, the approved details shall be implemented in full within the approved timeline.

Reason - In order to protect existing residential amenity.

11. Within 3 months from the date of the decision notice, 4 bat boxes and 4 bird nesting boxes shall be installed within the curtilage of the site. The boxes shall be installed as per the guidance and specifications of the Scottish Wildlife Trust, and after installation thereafter retained in a usable condition.

Reason - In order to provide a bio-diversity enhancement.

12. For the avoidance of doubt, the area adjacent to the access is not subject to any permission for outside storage use.

Reason - In order to clarify the terms of this planning permission.

13. Within 1 month of the date of the decision, a flood action plan for the entire site shall be submitted to and approved in writing by the Council as Planning Authority. The plan must include contingency measures for emergency vehicles to access the site during a flood event. The approved details shall thereafter be implemented in full at all times.

Reason - In the interests of safety and to minimise risk to life and property.

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

1. 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. Please use the form attached herewith.

2. 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. Please use the form attached herewith.

Background Papers: 13 letters of representation
Contact Officer: Andy Baxter
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING

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