

Perth and Kinross Council
Development Control Committee – 17 March 2010
Report of Handling by Development Quality Manager

**Change of use of former quarry site to mixed use containing care facility,
heritage centre, dwellings, staff accommodation, orchid nursery,
manufacturing and retail outlets, anaerobic digester and woodland walks at
Devonshaw Whinstone Quarry, Powmill, FK14 7NH**

Ref No: 09/01221/IPM
Ward No: 8 – Kinross-shire

Summary

This is an outline application for a mixed use development. The applicant has submitted an indicative layout for the site which would not be approved at this stage. The principle of providing a mixed use development on the site is considered acceptable, however the size and mix of these uses, in particular the number and nature of retail outlets indicated, is not approved at this stage and will be considered at the approval of matters stage. The location is not considered appropriate for the care facility and this is not approved. The proposed uses apart from the care facility element are acceptable in principle.

SITE DESCRIPTION AND PROPOSAL

- 1 The application site is a 15 hectare area of land comprising a former whinstone quarry and surrounding land situated to the south of the A977 between Powmill and Blairingone. The site is just over 1km from Powmill. The site slopes uphill from the A977 and flattens in the middle beside the old quarry and pond. The old quarry is characterised by steep scarp features to the south and west. The boundaries of the site are wooded and there has been regeneration of scrub and small trees in the interior of the site. To the North West corner of the site there is a Site of Special Scientific Interest (SSSI), Gartwhinzean Meadow which is an area of unimproved grassland which has been designated to protect a wide diversity of plant species including butterfly orchid.
- 2 The proposal is in outline and comprises a mixed use development including a residential care facility, heritage centre, dwellings, staff accommodation, private dwellings, orchid nursery, manufacturing and retail outlets, an aerobic digester and woodland walks. The applicant has submitted an indicative master plan for the redevelopment of the site and a supporting statement which includes a schedule of the individual components of the development and a sustainability and biodiversity statement. The main access to the site is proposed from the A977 at the north end (front) of the site.

Residential Care Home

- 3 Single building 3 – 4 stories, for 60 – 80 Residents

Heritage Centre/Visitor Complex

- 4 Single Building, 1500 – 2000m², 3-4 stories
Containing an associated café/bar/restaurant;
Retail Facilities for country pursuits, gifts etc;
Food Hall selling local produce comprising of a bakery, butcher and fishmonger;
Out of Hours shop for local needs;
Exhibition Hall for education and art gallery

Orchid Nursery

- 5 Single Building, 3,000 – 4,000m²
Containing an Orchid Growing Facility;
Research and Development Facility;
Teaching Facility, linked into the Heritage Centre

Residential Dwellings

- 6 A maximum of 6 dwellings are proposed on site. A maximum of 2 would be for staff accommodation relating to the security and management of the facility and 4 would be as private dwellings.

Manufacturing/Business Units/Retail

- 7 A number of business/manufacturing/retail units relating to food production, crafts, micro-brewing – 16-20 units in total

Anaerobic Recycling Facility

- 8 Facility for recycling food waste to produce renewable energy/bio gas, will be used to power the Heritage Centre and excess energy delivered back to the National Grid

Woodland Walks

- 9 Create a series of pathways around the site connecting into the Core Path Network.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 10 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,

- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

11 Of relevance to this application are:

- Paragraphs 45 -51 : Economic Development
- Paragraphs 66 - 91 : Housing
- Paragraphs 86 - 88 : Affordable Housing
- Paragraphs 92 - 97: Rural Development.
- Paragraphs 125 -148: Landscape and Natural Heritage
- Paragraphs 142 -145: Protected Species
- Paragraphs 149 -158: Open Space and Physical Activity
- Paragraphs 165 -181: Transport
- Paragraphs 182 -196: Renewable Energy
- Paragraphs 196 -211: Flooding and Drainage.
- Paragraphs 212-224 which relates to Waste Management

Planning Advice Note 73 Rural Diversification

12 Rural diversification is important in retaining population in rural communities and to help local economies grow. It can also reduce commuting, help to protect existing environmental and heritage assets, bring brownfield sites back into use and help deliver environmental enhancements. Sustainable diversification may involve new housing. It is important to consider the economic and social, as well as the environmental implications for sustainability.

DEVELOPMENT PLAN

13 The Development Plan for the area comprises the Approve Perth and Kinross Structure Plan 2003 and the Adopted Kinross Area Local Plan 2004.

Perth and Kinross Structure Plan, 2003

14 The principal relevant policies and strategies are in summary: -

- support the rural economy while preventing commuting, is well sited and is of a scale and standard of design appropriate to its location.

Sustainable Communities Policy 12

15 The Council will work with others to promote countryside access for all including disabled.

Sustainable Communities Policy 13

- 16 The Council will actively support the development of educational and associated facilities.

Sustainable Economy Policy 3

- 17 Support will be given to measures which promote an integrated flexible and innovative approach to rural development.

Environment and Resources Policy 2

- 18 The protection and conservation of wildlife, habitats and other natural features will be supported.

Environment and Resources Policy 10

- 19 The use of sustainable drainage solutions to regulate run-off will be required as part of development proposals to control the rate and quality of run-off as close to its source as possible.

Environment and Resources Policy 14

- 20 Proposals for the development of renewable energy will be supported where they are considered environmentally acceptable and where their energy contribution and benefits in reducing pollution outweigh any significant adverse effects on local environmental quality.

Environment and Resources Policy 18

- 21 Identifies that the Council will actively pursue a policy of self-sufficiency for waste management within the Tayside Waste Plan area. Development for waste management facilities will only be supported where they are justified against the National Waste Strategy.

Kinross Area Local Plan 2004

- 22 Under the Local Plan the site lies outwith any defined settlement boundaries.

The principal relevant policies are in summary: -

Policy 1 Kinross Sustainable Development -

The Council will seek to ensure, where possible that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. A series of principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development.

Policy 2 Kinross Development Criteria -

All developments within the Plan area will be judged against a series of criteria including landscape framework, regard should be had to the scale, form, colour and density of development within the locality, compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community and the local road and public transport network should be capable of absorbing the additional traffic generated by the development.

Policy 5 Landscape -

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character.

Policy 6 Design and Landscaping -

The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to the use of appropriate high quality materials, innovative modern design, avoidance of the use of extensive underbuilding, the proportions of any building are in keeping with its surroundings and the development fits its location.

The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for rural housing applications and where appropriate for other forms of built development.

Policy 7 Design and Landscaping -

Details of landscape treatment should be submitted with development proposals including where appropriate, boundary treatment, treatment of settlement edges, and impact on key views.

Policy 14 – Surface Water Drainage -

Surface water should be disposed of to closed soakaways or by the best management practices highlighted in the SEPA document 'Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland.'

Policy 17 – Renewable Energy -

The Council will encourage in appropriate locations, renewable energy developments.

Policy 21 – Sites of Special Scientific Interest -

Development which would affect a SSSI will not normally be permitted except where it can be demonstrated that the overall integrity of the designated area would not be compromised.

Policy 26 – Trees -

The Council will seek to protect native woodland from development and will encourage and support the protection and expansion of existing native woods and the creation of new ones in appropriate locations.

Policy 29 – Archaeology -

The Council will seek to protect unscheduled sites of archaeological significance and their settings.

Policy 34 – Tourism and Recreation -

New tourist related development will be encouraged where it can be demonstrated that it will not adversely affect landscape or nature conservation interests, generates employment and will only generate traffic appropriate to its location.

Policy 38 - Public Access and Informal Recreation -

The Council will seek to improve public access to the countryside and informal recreation provision for a wide range of users.

Policy 43 – Transport Standards -

Suitable provision for parking and where appropriate public transport must be made in all new developments in accordance with the Council's 'Roads Development Guide'.

Policy 51 – Rural Diversification -

Encouragement will be given to farmers and landowners to diversify their businesses particularly where this will generate additional permanent local employment and provide tourism/recreational facilities.

Policy 64 – Housing in the Countryside -

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories - Building Groups, Renovation or Replacement of Houses, Conversion or Replacement of Non-Domestic buildings and Operational Need

This policy does not allow, under 3, the replacement of non-domestic buildings where, as here, these agricultural buildings are not of traditional form and construction and are not of architectural merit.

Policy 66 – Drainage capacity -

The spare capacity within the wastewater treatment plant is approximately 100 houses.

OTHER KEY POLICIES

Perth and Kinross Council Housing in the Countryside Policy 2009

- 23 Members will be aware of the existence of the approved 2009 Housing in the Countryside Policy (HITCP), which effectively superceded the older HITCP policy of 2005. However, as this application was submitted to the Council prior to the approval of the 2009 policy, this application should be considered against the 2005 policy only, as per the current protocol of the Council. Members should therefore note the existence of the 2009 policy, but give limited weight to its contents in the consideration of this application.

Perth and Kinross Council Housing in the Countryside Policy 2005

- 24 This policy was the most recent expression of Council policy towards new housing in the open countryside when the application was submitted, and is

applicable across the entire landward area of Perth & Kinross. This policy provided more up to date advice than the HITCP contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories.

- 25 In this instance the appropriate category would be 3. New Houses in the Countryside – Economic Activity, under which housing may be permitted where a case can be made for the house(s) to serve an on site economic activity presence.

Tayside Area Waste Plan March 2003

- 26 This Plan has been developed by the Waste Strategy Area Group to establish a framework for improved waste management practices across the 3 local authority areas of Perth and Kinross, Angus and Dundee City.

SITE HISTORY

- 27 No relevant planning history on file for this site.

CONSULTATIONS

- 28 Scottish Water have no objections.
- 29 Environmental Health have no objections at this stage but would require certain issues relating to the factory shops/retail outlets, heritage centre, care home and anaerobic digester to be addressed at the approval of matters stage. A contamination condition is recommended.
- 30 Fossoway and District Community Council object to the proposal as there are concerns about the scale, complexity and viability of the proposal.
- 31 SEPA do not object at this stage however recommend at the detailed stage a site waste management plan is submitted and a detailed construction method statement and SUDs scheme is provided in consultation with SEPA.
- 32 SNH have no objections subject to conditions to protect the SSSI during construction phase, a drainage strategy for the site to ensure the SSSI is not affected once the development is operational, detailed plans showing the proposed species planting and landscaping as well as a mitigation strategy to avoid any adverse impacts to the SSSI, and detailed plans showing the proposed development of access and recreational facilities, and a Phase 1 habitat survey to identify the presence of species such as bats, red squirrel, badger and notable birds.
- 33 RSPB are not aware of any priority bird populations which would be affected by the development.
- 34 Economic Development are supportive of the proposals.

REPRESENTATIONS

35 Two letters of representation were received raising the following issues:

- Concerns over scale, complexity and viability of the proposal
- Traffic and access issues onto the A977
- Impact of the retail units on village businesses
- Impact on the SSSI
- The site is not identified as suitable for commercial development
- The design, position and viability of the anaerobic digester
- The site is highly visible with the exception of the area around the pond
- Concerns over public safety
- The site has regenerated naturally over last 40 years and the site appears as woodland

36 These issues are addressed in the Appraisal section of this report

ADDITIONAL STATEMENTS

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|----|------------------------------------------------|--------------|
| 37 | Environment Statement | Yes |
| | Screening Opinion | Not required |
| | Environmental Impact Assessment | Not required |
| | Appropriate Assessment | Not required |
| | Design Statement / Design and Access Statement | None |
| | Report on Impact or Potential Impact | Not required |

APPRAISAL

38 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. In this instance the Development Plan comprises the Approve Perth and Kinross Structure Plan 2003 and the Adopted Kinross Area Local Plan 2004

NATIONAL POLICY

39 The site is considered to be a brownfield site and national planning policy generally encourages the redevelopment of these sites for other uses. The regeneration of brownfield land can increase the range of sites available for economic development including mixed use developments such as the proposed development and can provide employment opportunities for local communities. The Scottish Government is committed to improving the quality of lives of rural communities and an important element of this is the encouragement of rural diversification and promotion of a wide range of development opportunities in rural areas, such as small scale manufacturing and tourist related development. Planning authorities should support a wide range of economic activity in rural areas and seek environmental enhancement

through development at every opportunity. The proposal is considered to be generally in accordance with national policy in terms of economic development and rural diversification.

DEVELOPMENT PLAN

- 40 In principle there are no objections on Development Plan policy grounds to the redevelopment of this site. The quarry can be identified as brownfield land as defined in PAN 73: Rural Diversification, which states that brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. It is well screened from neighbouring land uses and any development within the quarry itself could be successfully integrated into the landscape. Concern is raised however regarding the range of uses proposed, their compatibility with each other and the appropriateness of this location, in particular the proposed Nursing Home. The location of Nursing Homes will ideally be within an existing community, having ready and safe level access to community facilities such as shops, post office, doctor's surgery, close to bus routes etc. The site is not considered appropriate for a care facility.
- 41 The principle of the Heritage Centre and Orchid Nursery are considered acceptable in terms of Policy as they are site specific due to their linkage with the neighbouring SSSI. The level of retail provision and the size of the associated food hall shall be conditioned to ensure that it does not become the main focus of this development and be specifically ancillary.
- 42 There is no objection to the principle of manufacturing/business units and the Anaerobic Recycling Facility. However, it is not considered that it would be appropriate for Class 1 retail units to be positioned in this location, being away from existing centres but the business units would be acceptable. There is therefore a requirement to ensure that any retail use is strictly ancillary to the main business/ manufacturing use and not a use in its own right. This can be covered by condition.
- 43 Concern is however raised surrounding the compatibility of these uses and the Nursing Home/Heritage Centre/woodland walks/neighbouring housing through issues such as noise, smell and traffic. These are issues which have been raised by Environmental Health and will require to be addressed at the detailed stage. It is understood that Anaerobic Recycling Facilities have been successfully sited next to existing industrial areas but the issue regarding its proposed position within the quarry and the access required by heavy goods vehicles delivering waste may cause friction with other uses.
- 44 The provision of housing on the site is therefore only considered to be acceptable in principle where there is a requirement for housing for operational requirements due to its potential incompatibility with the other uses.

Traffic

- 45 In terms of road traffic issues there are no objections to the proposal from the Council's Roads Engineers subject to conditions on the design of the access, visibility splays and the provision of bus shelters and a Transport Assessment at the detailed stage. Access and parking on the site can be dealt with at the detailed stage. The proposal is considered to be acceptable in principle with regards to traffic and parking.

Noise/Odours

- 46 Environmental Health have stated that they do not have enough information to comment on the proposal at the outline stage. At the detailed stage therefore, there are a number of nuisances which may occur and these will have to be mitigated satisfactorily. There is the possibility of nuisance from the factory shops/manufacturing processes, including odour from food production and issues of noise from plant/equipment at the factory units and the heritage centre. The care home facility will not only be a nuisance receptor but can potentially cause nuisance at the other dwellings on the site. The anaerobic digester facility will also require to be assessed as a potential cause of nuisance in terms of noise and odours from the process and potential nuisance from any traffic movements in the functioning of the facility. At the detailed stage further information is required to fully assess the potential nuisance of the operation of the factory business/manufacturing/retail units, the heritage centre, and anaerobic digester.

Drainage

- 47 SEPA have no objections to the proposal in principle. The following issues however require to be dealt with at the detailed stage. The applicant will require to demonstrate satisfactorily how foul and surface drainage is to be dealt with on the site. A Site Waste Management Plan (SWMP) will be required at the detailed stage to identify how much waste will be produced. A detailed SUDs scheme will also be required.

Natural Heritage and Biodiversity

- 48 The site is of interest in terms of its natural heritage and biodiversity due to the woodland, the water body associated with the past quarrying use and protected wild flowers at the SSSI – Gartwhinzean Meadow. SNH consider that the proposals could potentially affect the SSSI and in order to protect it's status a number of conditions have been recommended including a Construction Method Statement to protect the meadow during construction, a drainage strategy including sewage treatment to ensure that the meadow is not affected once the proposals are operational, detailed plans showing species planting and landscaping and mitigation proposals including a 2-3m buffer strip between the southern edge of the SSSI and the gardens of proposed houses and the orchid nursery site. Detailed plans are also required showing the proposed development of access and recreational facilities to ensure there is no adverse impact on the SSSI. Along with the above recommendations Phase 1 Habitat

Survey will require to be undertaken and a walkover survey to identify the presence of species such as bats, red squirrel, badger, notable birds and in the small ponds any evidence to suggest the presence of species such as great crested newt. The RSPB have been consulted on the proposals and have stated that they are not aware of any priority bird populations at this location. A Phase 1 Habitat Survey however will be able to confirm this.

Design and Layout

- 49 The applicant has submitted an indicative layout of the proposed uses at the site, however this is not approved and issues relating to the scale, design, height, layout, density and materials will be considered at the detailed stage. A detailed design framework and design statement will be required for the site. The framework should include details of the phasing of the site. Given the topography of the site and woodland to its edges there is potential to contain the development to the wider countryside.

Access and Woodland Walks

- 50 The applicant proposes to form pedestrian and as far as possible wheelchair access throughout the site. There is also an opportunity to link in with the Fossoway Core Path to the west of the site. The SSSI Gartwhinzean Meadow will require protection and it may not be appropriate to allow public access within the SSSI. A detailed Access and Management Plan will be required at the approval of matters stage.

Employment

- 51 This is an important development in terms of potential employment creation in the area and further trickle down benefits to the local community will increase the overall sustainability of the development. There is a general under provision of business units in the area and the retail element should tie in with the food production and heritage/visitor centre elements of the proposal.

Retail Use

- 52 It is considered that some retail use is acceptable in principle on the site and should be closely associated with the Visitor Centre and the Orchid Nursery and with the food production units. The nature and number of retailing units will be considered at the detailed stage and should not affect the vitality or viability of other existing retailing in the nearby settlements.

Anaerobic Digester

- 53 The provision of this facility would be acceptable in principle at this site. At the detailed stage however the following information would need to be confirmed, i.e. the tonnage capacity of the plant, the range of waste materials that would be accepted, and the potential outlets for the heat and the solid and liquid materials. The plant will require authorisation from SEPA.

Affordable Housing

- 54 There is an indicative number of dwellings proposed for the site, including a mixture of both staff accommodation and private dwellings. The number of houses on the site is not approved at this stage. Five or more houses proposed for the site will require an affordable housing element. However, any such units should be restricted to operational need only.

Sustainability

- 55 The commercial and economic viability of the proposals are important considerations in determining the sustainability of the proposals and their impact on existing businesses in nearby villages. At the detailed stage the applicant will require to demonstrate the commercial viability of the proposals and that they will not be detrimental to any existing businesses in the area. The relationship between the different uses should also be sustainable in terms of any uses impacting on the amenity of others, particularly any residential uses.
- 56 Opportunities to create employment and ancillary economic benefits from the development are important in terms of sustainability. The site is important environmentally and the development should not be detrimental to natural heritage. Allowing access throughout the site needs to be gauged against the need to protect important environmental designations such as the SSSI and careful access and site management is required. The proposal will not have an adverse impact on the biodiversity of the site or adjacent land subject to conditions.
- 57 The site is located on the main A977 road and is within 1 mile of the villages of Powmill and Blairingone and can be accessed by public transport.

LEGAL AGREEMENTS REQUIRED

- 58 Not required at this stage. There may be a requirement for a legal agreement for landscape and woodland management and maintenance to be considered at the detailed stage.

DIRECTION BY SCOTTISH MINISTERS

- 59 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 REASON FOR RECOMMENDATION

- 60 Rural diversification is an important element in creating employment and helping rural economies to grow. It can also help to reduce commuting in the countryside through employment creation, protect existing environmental assets through sensitive land management and bring brownfield sites back into

productive use. The redevelopment of the site for these types of uses is generally acceptable in terms of both national and Development Plan policy.

- 61 It is considered that the type of uses proposed for the redevelopment of this site are acceptable in principle, with the exception of the Nursing Home, however the scale, number and mix of the development types is not approved at this stage and will require to be negotiated and confirmed at the approval of matters or detailed stage.
- 62 The phasing of a large development like this is important to allow the development to grow successfully and to make sure that the relationships between different uses work and are economically viable. The applicant will also have to demonstrate at the detailed stage that the proposed uses will not be detrimental to any nearby businesses but are reciprocal in character and beneficial to the wider community. There are no objections to the proposal from the main consultees subject to conditions.

Recommendation

A Approve the application subject to the following conditions:-

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority: the siting, scale, design and external appearance of the development, the landscaping of the site, the mix of uses, number of business/retail units, number of houses, phasing of the site, all means of enclosure, the car parking, means of access to the site, drainage and SUDs.
- 3 Prior to the submission of any reserved matters or detailed application for this site a detailed design framework including a landscape and planting plan, phasing plan, design statement and public access arrangements for pedestrians/cyclists for the site shall be submitted to the Planning Authority for approval as part of the reserved matters required by Condition 1.

- 4 The indicative layout/masterplan of the site shown on the proposed site plan is not approved.
- 5 Along with the first reserved matters or detailed application the applicant shall submit for the approval of the Planning Authority a Biodiversity Management Plan which will incorporate measures that will improve the habitat for birds and other wildlife in this area and include the following measures:
 - the retention of existing trees and/or incorporate new areas of native planting within the development site;
 - reinstatement of defunct hedgerows or plant new species- rich hedgerows within the development site or around the boundary;
 - careful design of the SUDs scheme to enable biodiversity potential to be achieved;
 - details of measures to mitigate any impact on bats and other wildlife in the application site area.
- 6 A Construction Method Statement to ensure Gartwhinzean Meadow SSSI is not affected during construction shall be submitted. This should include detail on proposed construction access routes, temporary buildings and storage locations, as well as measures to avoid soil and pollution run off onto the SSSI.
- 7 A Drainage Strategy with proposals for the treatment of sewage and waste water that ensures Gartwhinzean Meadow SSSI would not be affected once these developments are operational shall be submitted. It should include detail on the location and type of treatment systems, any proposed discharge and outflow locations.
- 8 Detailed plans showing the proposed species planting and landscaping at these two locations, as well as appropriate mitigation to avoid any adverse impacts to Gartwhinzean Meadow SSSI shall be submitted with any detailed application. Mitigation should include a buffer strip (2-3 metre width) between the southern edge of the SSSI and the gardens of any proposed houses and orchid nursery site.
- 9 Detailed plans showing the proposed development of access and recreational facilities shall be submitted in relation to the area around the SSSI and any mitigation measures proposed in relation to this.
- 10 As part of any detailed application the applicant shall submit a Phase 1 habitat survey and a walkover survey to identify the presence of species such as bats, red squirrel, badger, notable birds, and in the small ponds (north of the quarry reservoir), any evidence to suggest the presence of species such as great crested newt. As part of any detailed application, a report should be submitted which includes results of the site survey, appropriate habitat/species mitigation, identify any species licencing issues, as well as future management proposals for habitat creation and species enhancement measures.

- 11 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 12 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type E, Fig 5.8 access detail to the satisfaction of the Planning Authority.
- 13 The gradient of the access shall not exceed 3% for the first 10.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- 14 Visibility splays of 4.50m x 225.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A977 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
- 15 Prior to the occupation or use of the approved development a bus shelter shall be provided on the eastbound side and hard standing on the westbound side of the A977 public road adjacent to the access to the development. A bus bay shall also be provided to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
- 16 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
- 17 A Site Waste Management Plan (SWMP) shall be prepared by the applicant in consultation with SEPA and submitted at the approval of matters stage to identify how much waste will be produced, how this waste can be minimised and what is to be done with the waste. As part of any detailed application also the range of waste materials that would be accepted and the potential outlets for the heat, and solid and liquid materials should be submitted. The plant will require SEPA authorisation and licencing.
- 18 Prior to the commencement of any development the applicant shall provide a Construction Method Statement for the site to be agreed by the Planning Authority and in consultation with SEPA to address temporary measures proposed to deal with surface run-off during construction in accordance with the requirements of CAR and the relevant General Binding Rules prior to the operation of the final SUDs.
- 19 Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- (i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage.
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of remediation measures.
- 20 Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
- 21 A Noise Impact Assessment shall be provided at the detailed planning stage to identify nuisance receptors and causes of nuisance along with any mitigation required to remediate any adverse impacts.
- 22 A detailed Access and Management Plan for the whole site shall be submitted in consultation with the Council's Access Officer at the approval of matters stage for the approval of the Planning Authority.
- 23 The Nursing Home/Care Facility element of the proposal is not approved.
- 24 The applicant shall submit for the approval of the Planning Authority a Business and Operational Appraisal to demonstrate the commercial feasibility/viability of the overall development proposal at the approval of matters stage.
- 25 A Transport Assessment shall be submitted with any detailed or approval of matters application for the approval of the Planning Authority.
- 26 The retail units shall remain ancillary to the main manufacturing and tourist/visitor uses on the site.
- 27 Residential units will only be acceptable where they are for operational needs relating to uses on the site and evidence to substantiate this shall be required with the details lodged under condition 2.

Reasons:-

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
- 3 This is an application in outline.

- 4 This is an application in outline and the site layout and mix of uses will be considered at the approval of matters stage.
- 5 In the interests of biodiversity.
- 6-9 In order to protect the status and integrity of the SSSI.
- 10 In the interests of biodiversity.
- 11-16 In the interests of pedestrian and traffic safety and in the interests of free traffic flow
- 17 In order to reduce flood risk.
- 18 In the interests of environmental quality.
- 19 In the interests of environmental quality.
- 20 In order to deal with any potential contamination of the site as a result of its former use.
- 21 In the interests of environmental quality.
- 22 In the interests of access and informal recreation.
- 23 The site location is considered to be inappropriate for this type of use.
- 24 In order to assess the feasibility of the proposed development.
- 25 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 26 To ensure that the premises are used for the precise purpose proposed.
- 27 To allow the Planning Authority to look at these matters in detail.

B Justification

The proposals are in accordance with the development plan and there are no material planning reasons for not approving them.

C Procedural Notes

None required

D Informatives

- 1 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open

an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 2 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: 2 letters of representation has been received.

Contact Officer: Mark Williamson – Ext 75355

Date: 4 March 2010

Nick Brian
Development Quality Manager

