

Perth and Kinross Council  
Development Control Committee – 11 August 2010  
Report of Handling by Development Quality Manager

**Erection of 2 industrial buildings sub-divided into 18 units and formation of associated parking on Land 70 Metres South East Of Forest and Field Engineering, Welton Road, Blairgowrie**

Ref. No: 10/00456/FLL  
Ward No: 3 Blairgowrie and Glens

**Summary**

This report deals with an application in which the Council has an interest as owners of the site to which it relates. This report recommends approval of the application for a business development which is considered to comply with the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application is in full and seeks consent to erect two light industrial buildings which are sub divided into 18 units of varying sizes. The site extends to about 0.7ha and is undeveloped rough ground at present located at the south eastern end of Welton Road and takes up the bulk of the remaining ground currently zoned for business uses. The site is bounded by the Forrest and Field to the north west, Welton Road to the north east and housing at a much higher level above a wooded escarpment to the south west. An existing bellmouth exists on Welton Road which allows access to the site.
- 2 The original submission has been revised in two respects:
  - (1) The original layout comprised a total of 19 units over the two buildings which have since been revised to 18 units. One unit has been deleted from the centre of the site to improve internal circulation and parking.
  - (2) The external finishes have been revised to replace the bright red coloured flashings with a more subdued dark blue coloured spec.

**NATIONAL POLICY AND GUIDANCE**

**Scottish Planning Policy 2010**

- 3 The 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 the key parts of the system.
  - Statutory guidance on sustainable development planning under Section 3E of the Planning etc (Scotland) Act 2006.
  - Concise subject planning policies including the implications for development management and

- The Scottish Government's expectations for the intended outcomes of the planning system.

4 Of relevance to this application is para 45

- Paragraphs 45 -51 : Economic Development.

## **DEVELOPMENT PLAN**

5 The Development Plan for the area consists of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Eastern Area Local Plan 1998.

### **Perth and Kinross Structure Plan 2003**

#### **6 Sustainable Economy Policy 3**

Support will be given to measures which promote an integrated flexible and innovative approach to rural development which encompass economic, social and environmental considerations subject to specific criteria.

### **Eastern Area Local Plan 1998**

Under the Local Plan the site lies within the settlement boundary for Blairgowrie and within an area zoned for business uses.

#### **Policy 60**

7 As the site lies within an area zoned for business uses Policy 60 is applicable. This supports proposed developments falling within classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997, which includes general and light industrial uses, offices and storage or distribution. The policy requires that the following factors be taken into account in considering new proposals within business areas:

- Business uses should be compatible with the amenity of adjoining residential areas.
- Business uses should only generate traffic appropriate to their location.

### **Draft Eastern Area Local Plan Review 2005**

8 Members will be aware that on 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore, although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

Policy 46 relates to areas zoned for employment uses which cover the application site. Within these areas a wide range of uses will be supported including those within Classes 4 and 6 of the Use Classes Order.

## **OTHER POLICIES**

9 There are no other relevant policies.

## **SITE HISTORY**

10 There is no planning history pertaining to the application site.

## **CONSULTATIONS**

11 **Perth & Kinross Heritage Trust** – No objections.

12 **Environmental Health Manager** – Recommends conditional approval in terms of pollution control and has no objections in respect to any possible ground contamination issues.

## **REPRESENTATIONS**

13 A total of five representations have been received to date from local residents and these raise the following issues:

- (a) Encroachment into landscaped bank with adverse impact on wildlife;
- (b) The future users within the site must be vetted to avoid noise nuisance and hazardous materials storage and smells;
- (c) Units are excessive in height and finishes are very bright i.e. red flashings;
- (d) Loss of privacy;
- (e) Development will encourage unauthorised use from car racers and traveller caravans;
- (f) Inconvenience during construction phase with noise and disturbance.

## **Additional Statements Received**

14

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Not required

## **Appraisal**

15 This proposal raises the following issues:

## **Policy**

- 16 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. As the site lies within an area zoned for business use, the most relevant Development Plan policy is Policy 60 of the Eastern Area Local Plan 1998 applies. Policy 60 requires new business development to be compatible with the amenity of adjoining residential areas and should only generate traffic appropriate to their location both of which are addressed below:

## **Traffic**

- 17 As originally submitted with a layout comprised 19 units in two separate blocks, the Council's Roads Engineers had objected on the grounds that the resultant internal road layout provided insufficient turning facilities for commercial vehicles. Following various discussions the applicant has since revised the layout omitting one of the central units which results in much improved heavy vehicle turning space, improved circulation space and enhanced parking facilities. The revisions to the layout reduce the building footprint and will not have any impact on neighbours and as such did not merit re-notification. Welton Road is intended to form part of a new main distributor road at a future date, linking up with Coupar Angus Road and it is important at this stage to avoid any development which would lead to any on street parking or obstructions where internal circulation layouts are restricted. The latest revisions now remove the initial concern and the Council's Roads Engineers are fully supportive of this development in terms of the internal layout and the present ability of Welton Road to cater for any additional traffic generated by the development.

## **Drainage**

- 18 Surface water and foul drainage will be connected to the existing public sewer as this is a fully serviced industrial site.

## **Landscape and nature conservation**

- 19 The nearest housing at Rosemount Park is separated from the site by a landscaped banking and a mature line of trees which will remain unaffected by the development. This line of trees provides effective screening and the suggestion of wildlife being disturbed is not a valid concern.

## **Visual amenity**

- 20 An objection has been raised about the excessive height of the buildings and the use of bright red flashings as originally intended. I am satisfied that the design and height of the two proposed buildings is very typical of an industrial

estate and are similar to others already built at the Welton Road site. In addition, the use of bright colours is often encouraged within industrial sites to add interest and identity. However, in view of concerns raised and the relative proximity to housing which overlooks the site, the applicant has agreed to revise the specification and omit the use of red flashings.

### **Residential Amenity**

- 21 The potential exists for noise from the proposed industrial buildings to adversely affect residential amenity due to the close proximity to residential properties. There is limited information at this stage with regard to the future occupants of the proposed buildings; normal practice would be to request a noise assessment to demonstrate that an industrial use will not adversely affect nearby residents, however the lack of specific information would question the validity of any such assessment. Given that there are industrial uses on neighbouring land I do not believe that the proposed development would alter the characteristics of the existing acoustic climate or the outlook as the industrial estate is an established feature of the area. The suggestion that privacy would be compromised is not a valid concern. That notwithstanding, I recommend the inclusion of appropriate noise conditions to protect residential amenity.
- 22 I note that objection comments include concerns regarding noise and the escape of odour. I believe that the undernoted conditions will control the breakout of noise to maintain the existing acoustic climate. Noise in the evenings, resulting from motor vehicles driving around the car park area, was raised as a concern in a letter of objection; however, I have no statutory powers to address this type of noise. With regard to the control of odour, it is possible that some types of industrial use would result in the escape of odour if not adequately controlled and a condition is attached in this respect to protect residential amenity.
- 23 The Use Classes Order 1997 identifies Class 4 'business' and Class 6 'storage and distribution' as being uses which are compatible within residential areas. In this case the proposed development would be restricted to these two classes and in the event of a potential tenant within Class 5 'general industry' involving an industrial process then separate planning consent would be required for a change of use. Clearly, this would be applied as a condition of the consent and would act as a restraint on those business activities which are less suitable near residential areas and address some of the objectors concerns in this respect.

### **Planning Authority with an Interest in the Land**

- 24 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant

departure from the Development Plan, a notification to the Ministers is not required.

## **LEGAL AGREEMENTS**

25 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

26 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**

27 All applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application is for a series of industrial units falling within Classes 4, and 6 of the Use Classes Order, on a site which is officially zoned for business purposes in the Local Plan. There are no traffic constraints to the development and it is considered to be compatible with the residential amenity of the surroundings. In my view, the proposal is therefore in accordance with the requirements of Policy 60.

## **RECOMMENDATION**

### **A Approve the application for the following conditions:**

1. The development shall be commenced within a period of three years from the date of this consent.
2. The proposed development shall be carried out in accordance with the approved plans herewith unless otherwise provided for by conditions attached to this consent.
3. The use of the premises shall fall strictly within Classes 4 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 i.e. Business Uses together with Storage and Distribution only.
4. The hours of operation for the units shall be 0730–17.00 Monday to Friday, 0730–1300 on Saturday and no work shall be undertaken on Sunday unless otherwise agreed in writing with the Planning Authority.
5. All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive property, with all windows slightly open, when measured and/ or calculated and plotted on a Noise Rating curve chart.

6. An effective ventilation system commensurate with the nature and scale of any industrial process to be undertaken shall be installed, operated and maintained, within the industrial buildings, such that any resultant odours are not exhausted into or escape into any nearby dwellings.

## **REASONS**

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
2. To ensure the development is carried out in accordance with the plans approved.
3. In order that the proposal conforms to Council policy.
- 4-6 In the interests of residential amenity.

## **B JUSTIFICATION**

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

## **C Procedural Notes**

None

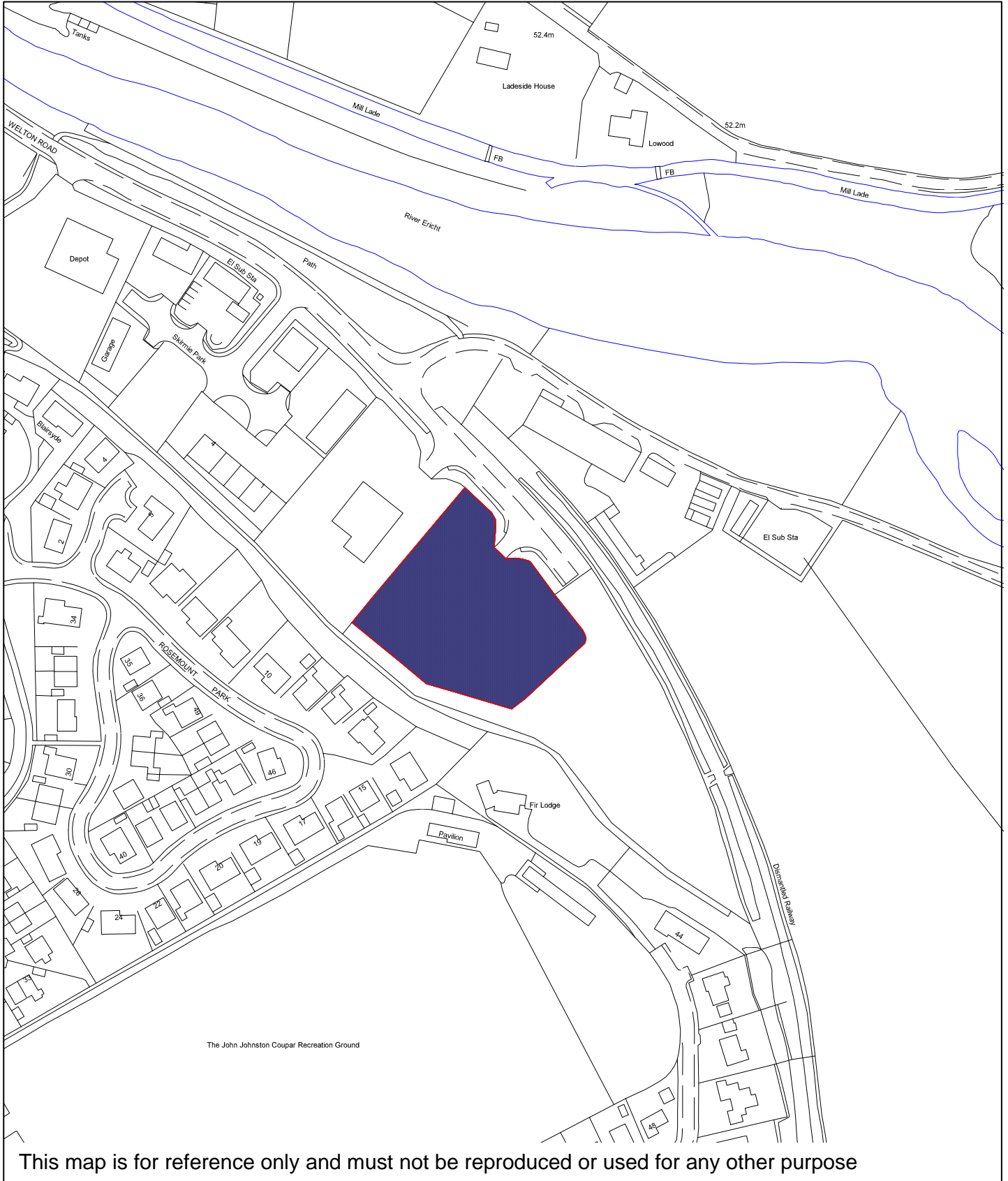
## **D Informatives**

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

Background Papers: Five letters of representation  
Contact Officer: John Culbert– Ext 75353  
Date: 12 July 2010

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**





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↑ Scale  
1:2500

