

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

Development of roadside service facilities at Horn Farm, Errol, Perth PH2 7SR

Ref. No: 09/01277/IPM
 Ward No:1 Carse of Gowrie

Summary

This report recommends approval of this outline application for a roadside service development as it follows on earlier planning consents and is in accordance with proposals and policies in both the Local and the Structure Plans and the circumstances have not changed materially since the previous consent was granted.

BACKGROUND AND DESCRIPTION

- 1 The site has a long planning history stretching back to 1990 when planning consent was first granted for a roadside service centre and subsequently renewed in 1995 and again in 2005. The last outline consent expired in January 2009 as the applicant was under the mistaken impression that it was a five year rather than a three year consent. Hence a fresh application was lodged to regain the consent.
- 2 The site extends to approx 8.5ha of agricultural land adjacent to the southern side of the Inchmichael grade separated junction on the A90 Perth to Dundee Road. The site is flat and is contained by the slip road which leads off the interchange to serve the Horn Milk Bar and Perthshire Caravans, the Errol Station Road and a minor private access track to be re-aligned to form the south eastern boundary. The site has easy access via the interchange to both carriageways of the A90.
- 3 The outline application is supported by an indicative layout which illustrates a possible arrangement of uses and activities on site to include a petrol filling station, parking for 200 cars, low budget hotel, tourist information, children's activity area, agricultural exhibition area and all set within an extensive new landscape framework. A one way access circulation system is indicated with vehicles entering at the filling station and exiting past the tourism area.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (SPP) Part 1 and 2

- 4 The planning system is essential to achieving the government's central purpose of increasing sustainable economic growth. SPP identifies that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land. Where a proposal is in accordance with the Development Plan, the principle of

development should be taken as established and the process of assessment should not be used by the planning authority or key agencies to revisit that.

SPP17 'Planning for Transport

- 5 Development likely to affect trunk and other strategic roads should be managed so as not to adversely impact on the safe and efficient flow of strategic traffic. New motorway or trunk road junctions will only be considered exceptionally and will require significant developer funding. Roadside service facilities are a special case of development affecting strategic routes. In general the comfort and safety of drivers should be accommodated through provision of opportunities to stop and rest, with additional facilities in appropriate locations from toilets through to full service area provision. Their location should take account of land use, environmental, economic and transport objectives.

PAN 75: Transport

- 6 The aim of Scottish Ministers is to create an accessible Scotland which has a safe, reliable and sustainable transport system. Integration is key to delivery. The integration of land use planning with transport, taking account of environmental aims and policies, and policies on economic growth, education, health and the objective of a fairer, more inclusive society, is crucial. Planning Authorities should identify relevant national and stakeholder strategies and consider their co-ordination. One focus of SPP17 is to achieve better and earlier integration between transport and land use planning at national, regional and local level. Integration can reduce the need to travel and offer more sustainable travel choices. To achieve sustainable development the objectives of SPP17 must be considered in the context of other planning policy and guidance. The intention is for new developments to be user focused and for the transport element to promote genuine choice, so that each mode contributes its full potential and people can move easily between different modes. Consideration should be given to freight logistics as well as person travel. Effective working practice involves different professions understanding and working with one another, either within or outwith planning. Land use planners and transport professionals should work together to develop complementary and co-ordinated policies and proposals which contribute to integration within and between different modes of transport.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and Adopted Perth Area Local Plan 1995.

Perth and Kinross Structure Plan 2003

- 8 The principal relevant policies are in summary:

Sustainable Economy Policy 13

- 9 Local Plans will identify land required for key transport provision, and safeguard it from development that could prejudice its future development and use for transport purposes. There will be a presumption against development which would adversely affect:
- strategic or local cycle routes and footway networks.
 - identified park and ride sites.
 - scope for public transport priority measures.
 - scope for junction capacity improvements on the Trunk route network.
 - disused railway land, or adjacent land, with potential for freight handling development or cycle and footpath development.
 - the potential for rail links with Perth harbour.
 - the potential for a rail link to Kinross, from the south, and the development of a new station at Oudenarde.
 - the proposals required to implement the Strategy.
 - proposals in future Transport Strategies (eg a new bridge over the Tay).
- 10 National guidance presumes against the development of roadside services on the A9 north of Perth. In addition, it requires planning authorities to make provision for roadside services on the strategic road network. Provision has been made at Broxden, Perth and The Horn, Errol for commercial roadside facilities and it is considered that this provision together with existing commercial facilities meets the needs of road users for the foreseeable future. Should additional commercial roadside services be required on the strategic road network then it would be preferable to ensure the improvement and expansion of existing facilities, in settlements or on the roadside, in the first instance. While there is no need to provide commercial facilities there is a need for non-commercial rest areas well away from the road, on the A9 in particular.

Perth Area Local Plan 1995

- 11 The principal relevant policies are in summary:

Policy 1 ‘General Background Policy’

- 12 Developments in the landward area, as shown in Proposals Map A on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry or recreational and tourism projects and operational developments including telecommunications development for which a countryside location is essential. Developments will also be judged against a series of criteria including: a good landscape framework; the scale, form, colour and design of development; compatible with its surroundings in land use terms; the local road network should be capable of absorbing the development and a satisfactory access onto that network provided; there should be sufficient spare capacity in local services

to cater for the new development; and the site should be large enough to accommodate the development satisfactorily in site planning terms and the need to accommodate development as part of the ongoing requirements of existing commercial land uses in the countryside

Roads and Transport

Policy 38 'Roadside Services'

- 13 The Council will not support proposals for roadside services facilities on or adjacent to the A9, M90 and A90 (except Proposal 5 Site RF1) except where there is an identifiable need.

A90 Roadside Services Proposal 5

- 14 The Council will support the development of a comprehensive roadside facility at the Horn Farm near Errol.

Draft Perth Central Area Local Plan 2004

- 15 Work on the Draft Perth Area/Central Area Local Plan is not to be proceeded with since it will now form part of a Perth and Kinross district wide local plan and is therefore no longer a material consideration.

OTHER POLICIES

- 16 None.

SITE HISTORY

- 17 Planning consent was originally granted in outline under PK90/1045 which was subsequently renewed in November 1995 under PK95/0802. A further outline application under 05/01997/OUT was approved and expired in January 2009.

CONSULTATIONS

- 18 Transport Scotland has no objections.
- 19 The Perth and Kinross Archaeologist recommends conditional approval.
- 20 Environmental Health in regard to Pollution Control recommends conditional approval.

REPRESENTATIONS

- 21 One letter of representation has been received from Errol Community Council raising the following relevant issues:
- Excessive level of car parking shown on submitted plan.

- There should be a network of core paths within the development site as part of the visitor centre attraction.
- Appropriate conditions should be included to cover landscaping, drainage, roads etc.

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

22 Additional Statements Received

Environmental Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment:	Not required
Design Statement or Design and Access Statement:	Not required
Report on Impact or Potential Impact ie	
Flood Risk Assessment:	Not required

APPRAISAL

- 23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Development Plan are Structure Plan Sustainable Economy Policy 13 and Perth Area Local Plan (PALP) Policy 1, and 38.

Policy

- 24 National guidance requires planning authorities to make provision for roadside services on the strategic road network. The Structure Plan picks up this requirement and supports in Sustainable Economy Policy 13 the provision of a new roadside service facility at the Horn which along with existing commercial facilities is seen as adequate to meet the future needs of road users on the strategic road network. The PALP in Policy 38 specifically supports the development of the Horn site for roadside services to the exclusion of all other sites, unless there is an identifiable and overriding need. The Horn is singled out as a specific proposal for a comprehensive roadside services facility tied into the construction of the Inchmichael interchange which of course is now complete and operational. Hence the history of planning consents all in line with this policy guidance and which is seeking a further endorsement. Clearly with this background the Council are committed, based on the policy background, to the further support of this development.

Traffic

- 25 The site is to be served by the new grade separated junction on the A90 and has raised no objections from Transport Scotland as Trunk Roads Authority. The access as available is more than adequate and raises no issues of

visibility or road safety. An indicative layout gives an indication of a possible circulation arrangement within the site and shows extensive parking provision which the Community Council feel is excessive, however, this is an outline application and the layout is purely academic at this stage and a condition will reflect this. In addition, the issues raised in regard to a core path, landscaping, drainage and roads will all be covered adequately by planning conditions.

Drainage and Flooding

- 26 Drainage will be by private arrangement and will be via a new SUDS system which will be integrated with the proposed landscape planting to deal with both foul and surface drainage. As there is ample room within the site and no immediate neighbours I am satisfied that the necessary engineering works can be accommodated without any adverse impact on amenity. I am not aware of any flooding history on this site and it has not been raised as a valid concern with any of the previous applications on this site.

Design and Layout

- 27 The indicative layout illustrates a spacious arrangement of associated uses within this generous site area which also includes extensive landscaping proposals. In view of the level nature of the site within a flat landscape combined with the space and ability to effectively screen the development, I am satisfied that visual amenity should not be an issue in terms of Policy 1 which seeks to ensure that all rural sites should have a landscape framework within which they can be contained. Clearly at this stage this is an outline application and detailed landscape issues will be the subject of conditions to be dealt with at a future date.

LEGAL AGREEMENTS REQUIRED

- 28 None required.

DIRECTION BY SCOTTISH MINISTERS

- 29 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

- 30 The only reason why this application has had to go to the Development Control Committee is the fact that under the new regulations post 3 August 2009 it is classed as a major application. Previous consents relating to this development have been dealt with under delegated powers in view of the obvious compliance with the Development Plan. Whilst consent was first granted some nineteen years ago and still nothing has subsequently happened with the site, nevertheless, irrespective of the lack of any progress,

the development remains fully compliant with both the Structure and the Local Plans both of which support this development and specifically refer to it as a proposal which the Council should support. If nothing should continue to happen with this site in the future, it will be a matter for the Development Plan to re-assess the need for this development. In the meantime it is considered that the development should be supported.

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, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
- 3 The development hereby approved shall not commence until the drainage works have been provided to serve the development hereby permitted in accordance with details to be submitted and approved by SEPA and the Planning Authority.
- 4 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage trust.
- 5 The details to be submitted under Condition 2 above shall include a scheme of landscaping which shall, as a minimum, be 20 metres in depth around the boundary of the site or any variation to be approved by the Planning Authority.
- 6 The following undernoted clauses shall be attended to as follows:

- The soundproofing of premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property.
 - 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 30 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 NR curve chart.
 - The idling of vehicle engines is prohibited.
 - All external lighting to be installed 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.
 - An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial catering areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
- 7 The sketch layout on Drawing no. 3254-SD-100-A is purely illustrative only and is not approved.
- 8 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

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 To ensure that the site is adequately drained.
- 4 In order to safeguard archaeological interests.
- 5 In the interest of visual amenity.
- 6 In order to minimise any potential noise nuisance.
- 7 This is an outline application.
- 8 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

B JUSTIFICATION

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

C PROCEDURAL NOTES

None

D INFORMATIVES

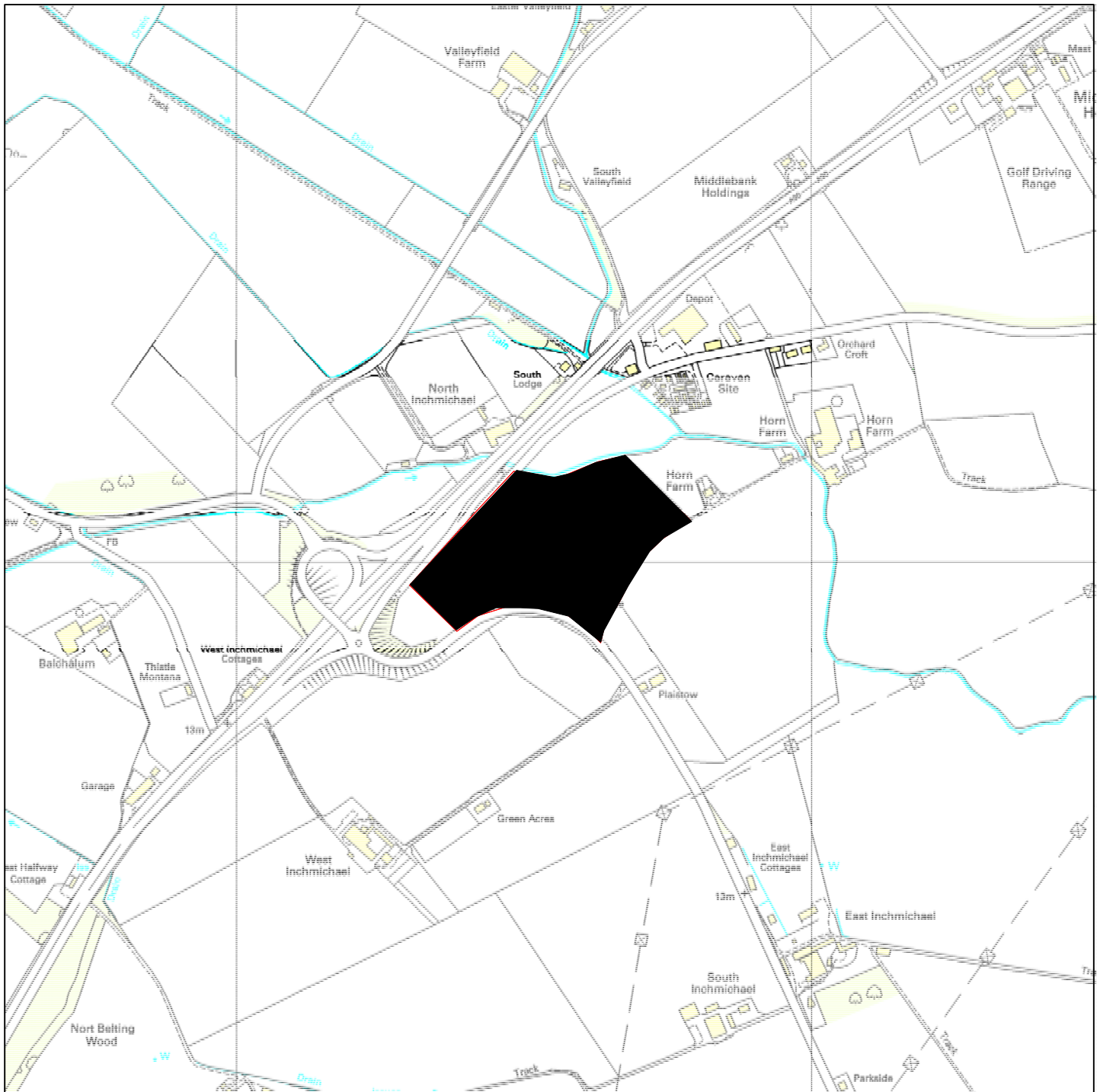
- 1 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application

Background Papers: One letter of representation has been received.

Contact Officer: John Culbert– Ext 75353

Date: 14 January 2010

**Nick Brian
Development Quality Manager**



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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