

Perth and Kinross Council
Development Management Committee – 18 February 2015
Report of Handling by Development Quality Manager

**Erection of four warehouses, office and associated works
Land 80 Metres North West Of Inch Of Tulliemet Farm Ballinluig**

Ref. No: 14/00834/FLL
Ward No: N4 - Highland

Summary

This report recommends approval of the application 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

- 1 Full planning consent is sought for the erection of four warehouses, a new office and associated car parking, landscaping and an upgrade of an access at the House of Bruar Mail Order Warehouse at Inch of Tulliemet Farm to the south of the settlement of Ballinluig. The application site is currently occupied by a single warehouse building which serves as a base for the mail order element of House of Bruar's business. A stone built farmhouse also occupies the site which is currently used as office space and staff accommodation and is proposed to be extended to provide further office space. The existing purpose built warehouse is clad in dark green corrugate and was approved in 2008 (08/01267/FLL) and is 48m x 20m in footprint. The applicant's submission indicates that House of Bruar are directing resources to investing in the growth of the mail order business. The proposal is to erect three new warehouses comprising steel portal frames (48m x 20m), each clad in dark green corrugate to match the existing building and a fourth warehouse building approximately half the size of the existing warehouse (24m x 20m) The warehouses will be arranged in a staggered layout along the length of the site between the A9 trunk road to the east and and the main Perth to Inverness railway line to the west. The proposed warehouse buildings are to match the height of the existing warehouse.
- 2 The proposal also involves an extension to the west elevation of Inch Farmhouse to create office space associate with the mail order business. This extension is proposed to be 1 and 1/2 storey clad in dark blue timber with a pitched slate roof.
- 3 The existing car park and internal delivery road and turning head are also to be extended with a turning head to be provided on the site to allow HGVs to turn within the site. Additional car parking is proposed adajcent to the farmhouse. Following discussions with Transport Scotland the existing access to the south of the site onto the A9 is proposed to be widended and upgraded to allow safer access and egress into the site.

- 4 There is a separate application for signage (14/00939/ADV) on these buildings which will be considered further depending upon the outcome of this application.
- 5 Finally the proposal includes new landscaping and boundary planting.
- 6 The proposal is to be constructed in 3 phases. Phase 1 involves the erection of the southern most warehouse buildings, units 1 and 2 (see drawing 14/00834/8). Phase 2 relates to the extension to the farmhouse and phase 3 relates to the final warehouse buildings (units 3 and 4).

ENVIRONMENTAL IMPACT ASSESSMENT

- 7 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 The procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 In this instance a screening exercise (14/00668/SCRN) was undertaken to determine the requirement for an Environmental Statement (ES) and it was concluded that an ES was not required and that the environmental impact of the proposal could be adequately assessed through the submission of a planning application.

POLICY

National Policy and Guidance

National Planning Framework 3: A Plan for Scotland: Ambition, Opportunity, Place

- 10 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

11 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

12 Of relevance to this application is/are,

A successful Sustainable Place

- Paragraphs 74 - 83 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business & Employment

A Low Carbon Place

- Paragraphs 152 - 174 Delivering Heat & Electricity
- Paragraphs 175 – 192 Planning for Zero Waste

A Natural, Resilient Place

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

A Connected Place

- Paragraphs 269 – 291 Promoting Sustainable Transport & Active Travel
- Paragraphs 292 – 300 Supporting Digital Connectivity

The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 60 Planning for Natural Heritage
- PAN 65 Open Space
- PAN 68 Design Statements
- PAN 69 Planning and Building Standards Advice on Flooding
- PAN 75 Planning for Transport

- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 14 The overall vision of the Tay Plan states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 15 The principal policies are, in summary:

Policy 1: Location Priorities

- 16 Focuses the majority of development in the region’s principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2: Shaping Better Quality Places

- 17 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan’s Assets

- 18 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Perth and Kinross Local Development Plan 2014

- 19 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 20 The principal policies are, in summary:

Policy ED3 - Rural Business and Diversification

- 21 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy PM1A – Placemaking

- 22 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 24 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy HE1B - Scheduled Monuments and Non Designated Areas

- 25 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy EP2 - New Development and Flooding

- 26 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 27 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer.

A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 28 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP8 - Noise Pollution

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

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 30 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy NE3 - Biodiversity

- 31 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER POLICIES

- 32 None

SITE HISTORY

- 33 08/01267/FUL Demolition of steading and replace with storage shed
3 November 2008 Application Permitted - Delegated Decision
- 34 10/00473/ADV Erection of an illuminated sign 3m x 3m on a pole 21 May 2010
Application Refused – Delegated Decision
- 35 10/00474/ADV Installation of non-illuminated sign 17 May 2010 Application
Refused – Delegated Decision
- 36 11/01926/ADV Display of sign 16 December 2011 Application Permitted –
Delegated Decision
- 37 14/00668/SCRN Proposed extension 1 May 2014 – EIA Not required

38 14/00939/ADV Display of signs - Pending consideration

CONSULTATIONS

EXTERNAL

- 39 **Transport Scotland** – objection withdrawn following discussion regarding junction upgrade
- 40 **Mid Atholl Strathay And Grandtully Community Council** – Concerns expressed regarding junction and access arrangements, flood risk and visual impact
- 41 **Network Rail** – No objections in principle but conditions recommended regarding drainage adjacent to railway, trespass proof fence and construction operations.
- 42 **Scottish Water** – no objection
- 43 **SNH** – No comments
- 44 **SEPA** – No objection following submission of additional information (see flooding section with appraisal below)

INTERNAL

- 45 **Environmental Health** – No objections subject to conditions controlling noise, deliveries and hours of operation.
- 46 **Transport Planning** – Referred consideration to Transport Scotland given access onto A9 trunk road.

REPRESENTATIONS

- 47 A total of 22 letters of representation were received during the first advertisement period for the application. Following the submission of amended layout plans for the access arrangements onto the A9 a further advertisement period was carried out where 5 further letters of representation were received. The Mid Atholl and Strathay Community Council submitted comments on the proposal during both advertisement periods as referred to above and raised concerns regarding junction and access arrangements, flood risk and visual impact.
- 48 The representations have raised the following relevant issues: -
- Road Safety/Access onto the A9/Impact on dualling of A9
 - Visual Impact
 - Flood risk/drainage
 - Contrary to LDP
 - Natural heritage

- Overdevelopment
- Land ownership

49 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

ADDITIONAL STATEMENTS

50

Environment Statement	Not required
Screening Opinion	Yes – EIA Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Planning Statement submitted

APPRAISAL

Policy Appraisal

51 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

52 The application site is located outwith any identified settlements and as such Policy ED3 Rural Business and Diversification is the most relevant policy in consideration of the principle of this proposal. This policy states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. It goes on to state that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. These proposals are required to contribute to the local economy through the provision of permanent employment amongst other requirements.

Principle

53 In this instance there is an existing business operating from the application site. The site is currently operated by House of Bruar as their logistics warehouse for their mail order business and therefore the general principle of expanding this existing rural business is supported by Policy ED3. The proposal then has to meet the relevant criteria contained within this policy which will be examined in more detail below. These criteria relate to landscape and visual impact, traffic and access, flooding and drainage. Policies PM1A and B relating to

placemaking, TA1B relating to transport and access, EP2 relating to flooding, amongst other policies are all relevant to the consideration of this proposal.

Landscape and Visual Impact

- 54 The site is currently occupied by a large corrugated metal green shed. This was approved in 2008 with the purpose of having a simple agricultural like appearance to ensure that it related relatively well to the rural context of the area. This proposal involves a significant extension to this building and there is no doubt that the size of the building will significantly alter the visual amenity of the area. The application site sits directly adjacent to the Perth to Inverness railway line and the A9 trunk road and is therefore highly visible to a number of users. There are minor roads and paths located around the site at locations on land above the application site and it was noted during site visits that the site is visible from these surrounding vantage points. The site does, however, sit on a valley floor with land rising to the east and as such its visual impact from wider views is unlikely to be significant when seen in the context of the wider landscape when viewed from upland locations. The proposed green colour will also help to soften its impact from wider views. I am generally satisfied that the scale of the building when seen from longer views is absorbed by the large scale landscape which surrounds the proposed buildings.
- 55 Turning now to the more immediate visual impact of the buildings when travelling along the A9 and using the railway in both directions. The topography and presence of the grade separated junction at Ballinluig to the north of the site means that the new development is not highly visible from the north. When travelling on the A9 the full extent of the site is not immediately noticeable until one arrives at a point close to the northern boundary of the application site. As such the site is well screened from the north by the junction and topography and approaching views from users of the A9 are very limited. This is the same for users of the railway line.
- 56 Furthermore for those travelling north on the A9, longer views of the site are prevented by the existing buildings located to the south of the application site at West Haugh of Tullimet. Views to the site then open up past these buildings. However, as described above the site sits low in the landscape and it will mainly be the gable ends of the buildings which will be evident in these views. The hills of Logierait and Ballechin Woods also rise to a height of 420m to the north of the site which provide an imposing and large scale landscape backdrop to the site and help to reduce the apparent scale and bulk of the buildings. It is also noted that the application site sits close to the built form in terms of the settlement of Ballinluig and the junction of the A9 and as such the proposed development will have some visual relationship with existing buildings and built form.
- 57 The extent of the development will be clearly apparent from users of the A9 and railway as they pass the site. The proposal involves a side elevation of the building which will extend to 123 metres and therefore the visual impact from users of the A9 and railway immediately adjacent to the site is considered to be significant. It is noted, however the vehicles will be passing the site on the A9

trunk road and are likely to pass the site relatively quickly so the impact will not be for any significant length of time. Furthermore the proposal also involves additional landscaping and planting which will help to screen the buildings from the A9. Full details of this planting will be requested by condition and will seek to ensure that heavy standard trees are utilised to ensure the screening becomes apparent immediately and will also ensure both shrubs and trees are utilised to provide depth and density to the planting. The same issues are apparent from the west side of the site and users of the railway. Similarly planting is proposed along the western boundary. Whilst it is clearly the case that the proposed development is very large I believe it can be accommodated successfully in this location subject to agreement on the landscaping outlined above.

- 58 The proposed extension to the stone built farmhouse is proposed on the north elevation of the building with a small ground floor level linking structure. The height of the extension is to match the height of the host building. The design and form of the extension is relatively simple and proposes gable ends with a roof pitch to match the existing building. The proposed dark blue painted timber cladding will clearly differentiate the extension from the stone built farmhouse and will result in it appearing as a subservient structure to the main house. I am satisfied that it is appropriate in the context of the wider site development proposed.
- 59 As such I consider the proposal to meet the criteria contained within placemaking policies PM1A and PM1B of the Local Development Plan 2014.

Access

- 60 Access to the site is proposed to be taken from the existing access from the A9 trunk road which is located to the south of the application adjacent to a group of existing buildings at Westhaugh of Tulliemet. There is an existing junction onto the A9 at this location with a slow down lane for north bound traffic. This access also serves residential properties in the immediate vicinity. An access track from this bellmouth, northbound and parallel to the A9 links to the application site. A number of concerns have been raised in letters of representation regarding the use of this access and its safety, particularly given the increase in traffic associated with the development. There have also been comments in relation to how access to the site will relate to the future dualling of the A9 trunk road.
- 61 Transport Scotland initially raised concerns regarding the use of this access to serve the proposed development site. A number of discussions have been taking place between the applicant, Transport Scotland and the Planning Authority to seek a solution for access to the site. Additional work to assess the access proposals comprised the following:
- A traffic survey commissioned by the applicant in June 2014;
 - A further traffic survey commissioned by Transport Scotland (independent of the applicant in the interest of impartiality) in autumn 2014

- An independent, stage 1 road safety audit of the junction commissioned by the applicant in August 2014;
 - Swept Path Analysis of the junction design and iterations throughout the autumn and winter to December 2014 ;
 - Revised access options undertaken leading to a final design which has been submitted as part of this application dated 17th December 2014 (see drawing 14/00834/12).
- 62 The revised access arrangements involve widening of the bellmouth to ensure that the access and egress of articulated vehicles arriving at the bellmouth can pass within the bellmouth area without any part of the vehicle being on the A9 carriageway or slow down lane. Bollards are proposed within the trunk road verge on either side of the access to make the access more visible. It also involves traffic management including a new sign on the mail order warehouse track leading to the access to ensure all south bound traffic turn northwards onto the A9 to the Ballinluig junction to turn and head south.
- 63 The phasing of the project is also now proposed to be linked to the dualling of the A9 project with phases 1 and 2 undertaken prior to the dualling, and phase 3 occurring following completion of the dualling. The dualling of this section of the A9 (Killiecrankie to Pitagowan) is currently at the option assessment stage. Details of the options available can be seen on Transport Scotland's website. According to Transport Scotland the final route is unlikely to be available until 2016 with construction likely to commence in 2018.
- 64 In the meantime Transport Scotland have indicated that they consider the revised access arrangements onto the A9 for the first two phases of development to be appropriate prior to the dualling being undertaken. The dualling project will consider further changes to the junction but this is subject to further design work and the statutory consent process and the details are not known at this stage.
- 65 In terms of the alignment of the dualling it is noted that the A9 immediately adjacent to the application site is already dualled, leading to the junction at Ballinluig and the three options outlined on the Transport Scotland website indicate that the new dualling arrangements will take place to the south of the application site.
- 66 The existing vehicle parking area to the south of the existing warehouse which accommodates space for 16 vehicles is to be retained. There are 2 spaces adjacent to the personnel road into the existing shed and 5 new spaces proposed at the farmhouse. It is also noted that House of Bruar operate a car share policy. The level of parking on the site is considered appropriate for the development.
- 67 Overall, Transport Scotland have offered no objection to the revised access arrangements subject to conditions relating to the exact design details of the

junction and a restriction on the phasing of the development. As such the proposal is considered to meet the requirements of Policy TA1B of the LDP.

Flooding and Drainage

- 68 During the initial consultation period on the application SEPA objected to the proposal as it was considered to place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP). The application site is adjacent to, but outwith, the 1:200 year flood event area. SEPA indicated that there is some doubt regarding the flooding maps in this location and that fields on either side of the A9 surrounding this site were flooded in January 1993. Furthermore a few hundred metres south of this site was flooded in December 2006. SEPA have stated that they consider this site to be functional flood plain. However it is noted SPP states that there may be exceptions to enable development within areas of medium to high risk areas if the location is necessary for operational reasons.
- 69 The proposed development includes a range of site and building flood mitigation measures which include:
1. An on site attenuation basin sized at 1,500m³ located to the north of the proposed buildings designed to capture and hold water at the railway culvert. The size equates to the notional loss in storage resulting from the additional floor space of the proposed buildings,
 2. One way grills that would "allow" the warehouses to flood during such an event,
 3. Reposition warehouse 2 to avoid works to the existing culvert,
 4. Internal proprietary storage racking within the warehouse buildings set at 900mm above proposed floor level, which is considered to be a conservative estimate on flood levels within the adjoining flood plain,
 5. Connection to the SEPA early warning flood system,
 6. Acceptance of risk and non-recourse to SEPA by the applicant.
- 70 The applicant has made a strong case for the operational requirement of development on this site and this will be outlined in more detail within the economic impact section below. In general terms I consider the operational justification for further development at this site to be appropriate and therefore meets the requirements of SPP in regard to development on areas at risk from flooding. The proposal is considered to meet the requirement of Policy EP2 of the Local Development Plan.
- 71 Surface water is proposed to be disposed of by means of a Sustainable Urban Drainage System (SUDS) which is considered appropriate and in line with the Council's policy in relation to surface water drainage (Policy EP3C).

Economic Impact

- 72 As outlined in the policy principle section above, policy RD3 requires the proposal to demonstrate that it will contribute to the local economy through the provision of permanent employment. The Planning Statement indicates that 95% of all mail order products arrive at the existing retail site at Bruar from the south and they argue that a logistics case exists to hold mail order products in a separate site south of Bruar and a series of sites throughout Scotland, including the application site have been considered. The applicant indicates that a significant investment has been into the site at Ballinluig, particularly in relation to IT infrastructure and that it makes sense to continue this investment in the same location. The submission states that a total of 14 additional jobs will be created through this development, to add to the 7 additional jobs on site. Furthermore the proposed development will help to boost the local economy and support the continued growth of the House of Bruar. There is also likely to be some indirect economic benefits from the development. I am satisfied that the employment opportunities which will be generated by this proposal and the overall boost in the local economy and growth of a well established business in Highland Perthshire is sufficient to justify approval of this development in accordance with Policy ED3 of the LDP.

Residential Amenity

- 73 Whilst this proposal is for a large scale commercial business operation the actual operation of the building itself is unlikely to generate levels of noise or disturbance which would be of significant detriment to residential amenity. The access onto the A9 sits adjacent to Westhaugh of Tulliemet. It is evident from letters of representation that there are concerns regarding the impact that HGVs are having on the amenity of this property given the lack of space to enter and exit the site and this results in vehicles requiring to manoeuvre in a small space in order to provide access to the site. Photographic and video evidence of this has been provided. This has raised concerns regarding road safety and disturbance to residential amenity. The proposed upgrade to the access will allow appropriate space for the vehicles associated with the development to enter and exit the site safely without having to carry out various manoeuvres which will in turn minimise disturbance to the neighbouring property. It is noted that traffic levels at this access are likely to increase as a result of this development but I do not consider this to result in any significant increase in disturbance levels given the background noise levels associated with the adjacent A9 trunk road. Environmental Health have recommended conditions to limit the deliveries and hours of business of the proposed site in order to protect residential amenity. I believe these are appropriate given the intensification in use of the site.
- 74 I am satisfied that this proposal meets the LDP requirements in relation to protecting residential amenity.

Natural Heritage

- 75 A number of letters of representation have raised concerns regarding the impact which the development may have on natural heritage interests. Policy

NE3 of the LDP requires the Council to protect and enhance all wildlife and wildlife habitats. It is noted that the current site is mainly grassland and therefore, following discussions with the Council's Bio Diversity Officer, is not considered to be of any significant biodiversity value. The extensive landscaping scheme requested by condition 10 is considered to result in an improvement to the bio diversity value of the site through the provision of additional habitat. As such the proposal is considered to comply with Policy NE3 of the LDP.

Railway

- 76 Network Rail have provided comments on the proposal in relation to its proximity to the Perth to Inverness railway line. They have recommended conditions to protect their interests.

77 Land Ownership

If any land required to form the upgraded access referred to above is not within the ownership of the applicant, they will require to seek separate permission from those land owners to form the access which is outwith the remit of the Planning Authority.

LEGAL AGREEMENTS

- 78 None required

DIRECTION BY SCOTTISH MINISTERS

- 79 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

- 80 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

- A Approve the application subject to the following conditions:**

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

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commencement of any development other than the upgrade to the bellmouth onto the A9 the flood attenuation/compensatory storage area to the north west of the site as indicated on drawing 14/00834/8 shall be formed and completed in its entirety to the satisfaction of the Council in consultation with SEPA.

Reason - To ensure appropriate flood attenuation measures are provided on site.

- 3 The wall and door construction of the warehouse development shall allow the flow of water through the building in the event of the site being inundated with flood water. This design shall be in accordance with the "Ingress and Egress Valve" drawing attached to HPL letter dated 6 August 2014.

Reason - To provide appropriate flood mitigation.

- 4 The development site shall be connected to the SEPA early warning flood system.

Reason - To ensure appropriate flood mitigation.

- 5 The warehouses shall be fitted with internal proprietary storage racking set at 900mm.

Reason - To ensure that, in the event of flooding, the items within the warehouse are stored above the recognised flood level.

- 6 Prior to any development commencing detailed plans of the proposed alterations to the trunk road junction shall be submitted for the written approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. The layout shall accord with the drawing number (14/00834/12) prepared by Hareshaw Property Services and will require to provide construction details and lining and signing details. The details as approved shall be implemented prior to any of the built development on site taking place.

Reason - To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and to minimise interference with the safety and free flow of the traffic on the trunk road.

- 7 Prior to any construction taking place at the trunk road junction, full details of the proposed temporary traffic management shall be submitted for the written

approval of the Planning Authority , in consultation with Transport Scotland as Trunk Road Authority. The details, as approved, shall be strictly adhered to during the development of the site.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road.

- 8 The existing traffic bollards (Glasdon Admiral bollard or approved equivalent) shall be re-erected, or replaced, within the trunk road verge on either side of the access at locations to be approved by the Planning Authority in writing, after consultation with Transport Scotland, as the Trunk Roads Authority prior to the commencement of development of the buildings on site.

Reason - To ensure that road safety is improved by highlighting the location of the access

- 9 Phase 3 of the development (as outlined on layout plan 14/00834/8) shall not commence until the dualling of the A9 and associated junction improvements have been completed to the satisfaction of the Council as Planning Authority in writing, after consultation with Transport Scotland.

Reason - To restrict the scale of the development to that suited to the layout of the junction and minimise interference with the safety and free flow of traffic on the trunk road

- 10 Prior to the commencement of any of the built development hereby approved, full details of a robust landscaping and planting scheme for the south, west and east boundaries of the site shall be submitted for the written approval of the Planning Authority. This shall include a mixture of stock sizes, including feather trees, shrubs, light standards and heavy standards and shall also include an evergreen species such as Scots Pine. The details, as approved, shall be implemented as part of the site development and completed in its entirety, to the satisfaction of the Council as Planning Authority prior to any of the development being brought into use.

Reason - In the interests of visual amenity and to provide screening for the development.

- 11 Details of the design and construction of the proposed drainage arrangements adjacent to the railway boundary shall be submitted to the Planning Authority for approval in consultation with Network Rail's Asset Protection Engineer before development is commenced.

Reason – To ensure the development does not impact on the adjacent railway

- 12 A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary shall be erected prior to the development being brought into use. The fence shall be maintained in perpetuity. Network Rail's existing boundary measure must not be removed without prior permission from Network Rail.

Reason - To ensure the development does not impact on the adjacent railway

- 13 Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Reason - To ensure the development does not impact on the adjacent railway

- 14 The delivery of goods to the premises shall only take place between 0700 and 1900 Mondays to Friday and Saturday 0900-1700 with no deliveries on Sundays.
The idling of delivery vehicle engines is prohibited.

Reason – In the interests of protecting residential amenity

- 15 The hours of business shall be restricted to 0700-1900 Monday to Friday and 0900-1700 on Saturdays with no business on Sundays.

Reason - In the interests of protecting residential amenity

- 16 All plant or equipment, including any ventilation system, associated with operation of the commercial areas 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a Noise Rating curve chart.

Reason - In the interests of protecting residential amenity

- 17 No external floodlighting of the site is permitted.

Reason - In the interests of protecting residential amenity and visual amenity

- 18 The warehouse buildings hereby approved shall be solely used for Class 6 Storage and Distribution of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and so maintained to the satisfaction of the Council as Planning Authority.

Reason – To clarify the terms of the permission

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

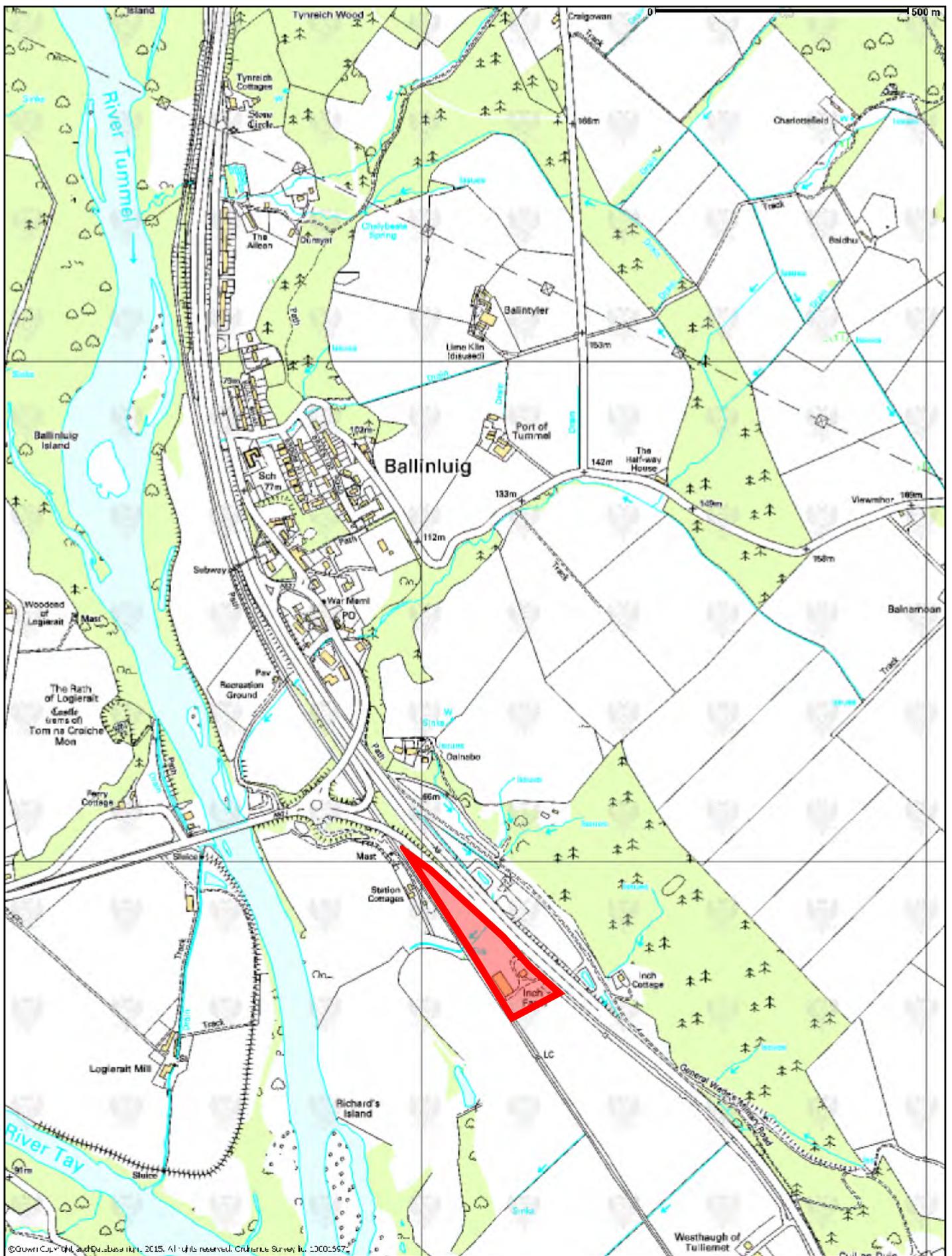
- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The developer should contact Network Rail's Asset Protection Engineers to discuss the above condition at Network Rail Asset Protection Engineer Buchanan House, 58 Port Dundas Road Glasgow, G4 0LQ Tel: 0141 555 4887 E-mail - AssetProtectionScotland@networkrail.co.uk

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

Background Papers: 27 letters of representaion

Contact Officer: John Williamson – Ext 75360
Date: 4 February 2015

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Development Management Committee

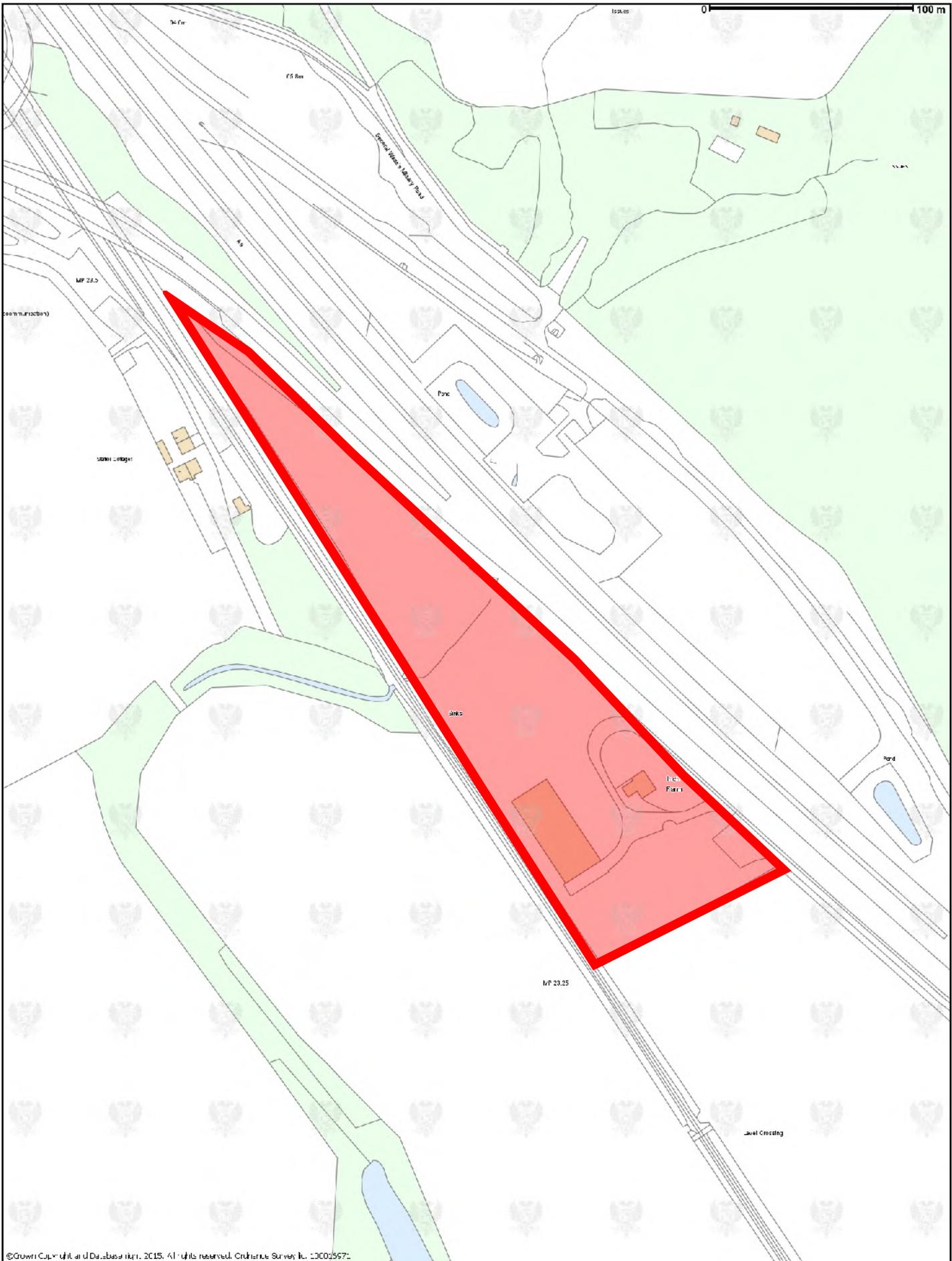


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14/00834/FLL

Erection of four warehouses, office and associated works at land 80m NW of Inch of Tulliemet Farm, Ballinluig





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**Development Management
Committee**



14/00834/FLL

**Erection of four warehouses, office and
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