

APPENDIX 1

APPLICATION NO. 14/00459/FULL

APPLICANT: ALL OCEANS
FABRICATION WORKSHOP WITH ASSOCIATED WELFARE FACILITIES
LOCATED IN ADJOINING LEAN-TOS, AND SINGLE STOREY OFFICE BLOCK
TO EXISTING VACANT SITE AT PLOT 4 PHASE 2
BRENT AVENUE MONTROSE

ANGUS COUNCIL'S SUBMISSION

CONTENTS

| Ref No. | Item |
|---------|--|
| 1 | AC1 Report on Handling |
| 2 | AC2 Policy Tests (Angus Local Plan Review 2009) Policy S3: Design Quality Policy S6: Development Policies (Schedule 1) Policy SC16: Employment Land Supply Policy ER11: Noise Pollution |
| 3 | Consultation Responses AC3 Head of Roads 16.7.14 AC4 Environmental Health (initial response 11.8.14) AC5 Environmental Health, Planning & Economic Development dialogue over amended noise conditions (14.08.14 to 18.08.14) |
| 4 | Application Drawings AC6 OS Map AC7 Approved Drawings |
| 6 | Further Information Relevant to Assessment AC8 Site Photographs AC9 Decision Notice AC10 Email between applicant, Economic Development and Planning (dated 13.10.14 to 15.10.14) |

Angus Council

| | |
|------------------------------------|---|
| Application Number: | 14/00459/FULL |
| Description of Development: | Fabrication workshop with associated welfare facilities located in adjoining lean-tos, and single storey office block to existing vacant site |
| Site Address: | Plot 4 Phase 2 Brent Avenue Montrose |
| Grid Ref: | 371568 : 760483 |
| Applicant Name: | All Oceans |

Report of Handling

Site Description

The application site is located within the second phase of the Brent Avenue extension to Forties Road Industrial Estate on the northern outskirts of Montrose. Accessed from a road taken off Brent Avenue which serves the Phase 2 extension, the site comprises 0.44ha or thereby, of vacant undeveloped land designated for further industrial expansion.

Proposal

The proposal involves the erection of a single storey fabrication workshop building and a separate associated office building that have a combined floorspace of 1330sqm. The buildings would be a utilitarian design and constructed with Sapphire blue vertical insulated panels, Metallic silver horizontal insulated panels and Merlin Grey roofing. The fabrication building would be positioned two metres from the southern boundary of the site; the office would be positioned near the easterly boundary in close proximity to the entrance and the remainder of the area to be used for 21 car parking spaces and an external yard. There is an area against the northerly boundary where an outline is shown for potential future parking and an area to the south-east corner of the site where a potential future sub-station would be sited. The site would be bound by a 1.8m high security fence similar to others in the surrounding industrial estate. Set within the curved south-east corner of the boundary there would be a 4 metre long by 1.8 metre high curved brick wall containing the company's signage.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 27 June 2014 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

Planning History

14/00460/ADV for Erection of Advertisement Signage was determined as "Approved" on 4 August 2014.

Applicant's Case

The applicant has provided examples of other plots within Phase 2 which are not subject to noise controls and has suggested that noise should be regulated by means other than planning conditions.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - offered no objection to the proposal subject to a condition relating to construction of the verge crossing.

Scottish Water - There was no response from this consultee at the time of report preparation.

Angus Council Environmental Health - offered no objections to the proposal subject to conditions which would regulate night time noise in order to protect the amenity of adjacent property.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Plan Review 2009

Policy S3 : Design Quality
Policy S6 : Development Principles (Schedule 1)
Policy SC16 : Employment Land Supply
Policy ER11: Noise Pollution

TAYplan Strategic Development plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

Other Guidance

N/A.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

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 application site lies within the Development Boundary on the northern edge of Montrose and is specifically allocated for employment land uses (Classes 4, 5 and 6) in the local plan. Policy SC16 seeks to protect the employment land supply within the areas stated which includes this land at Forties Road Industrial Estate. The proposed use (Class 5 General Industry) would fall within the specified use classes and the proposal therefore attracts in principle support from the local plan. The proposed development would not compromise the existing established industrial uses within the area. The Environmental Health Service has requested planning conditions to regulate night time noise levels (2300 to 0700) and provided

these conditions are attached to any permission granted I am satisfied that the proposal would have no unacceptable impacts on surrounding amenity. The proposal is therefore considered to be in accordance with the policy requirements of SC16 of the ALPR.

With regards to the policy requirements of S3 and S6 (Schedule 1), the proposal is located within an established industrial area and would give not rise to any significant visual impacts. The Roads Service has offered no objection to the proposal in respect of access arrangements or impacts on vehicle movements; however, it has recommended attaching a condition relating to the construction standards of the footway/verge crossing proposed. The recommended condition has been attached. Scottish Water has been consulted but has provided no response. In terms of the curved brick wall containing the company's signage, the appearance of the wall would be acceptable within the vicinity and the dimensions of the signage/lettering would benefit from deemed consent.

Returning to noise, the applicant has indicated that they do not consider the noise controls proposed by the Environmental Health Service as reasonable or necessary. They make reference to other sites within Phase 2 of the Brent Avenue development that are not subject to noise controls through the planning process. However all those sites are further from the neighbouring housing than Plot 4. All existing properties that are located along the northern boundary of the Industrial Estate and that lie between Plot 4 and Coronation Avenue are subject to planning conditions that seek to safeguard the amenity of occupants in nearby residential property. Accordingly I am satisfied that the Planning Service has acted appropriately and consistently and has had due regard to expert advice provided in relation to each case. The applicant has rejected a compromise to reposition the building so that it acts as its own acoustic barrier which would have removed the need for noise conditions. As such I consider that the noise controls are necessary to ensure that the residential amenity of residential property would not be unacceptably impacted upon as a result of the proposal (policies ER11 and S6).

Overall, I am satisfied that the proposal complies with the relevant development plan policies and would provide industrial premises on an appropriate site which is allocated for this purpose in the ALPR. There are no material considerations which would justify refusal of the application.

Human Rights Implications

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. That the proposed development is compatible with the relevant policies of the Development Plan and will provide industrial premises on an appropriate site which is allocated for this purpose in the ALPR. There are no material considerations that justify

refusal of the application.

Conditions:

1. That, prior to the occupation or use of the workshop, the footway/verge crossing at the proposed access shall be formed and constructed in accordance with the Angus Council Road Standards (Type E Junction).

Reason:

To provide a safe and satisfactory access in a timely manner

2. That, between 2300 and 0700hrs the noise emissions from the proposed development shall not exceed 30dbA 5min Leq and 45dbA Lmax within any bedroom of any residential premises.

Reason:

To ensure that there would not be an unacceptable level of noise impact on nearby noise sensitive properties.

3. Noise from any ventilation, refrigeration or extraction plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 25 between 2300 and 0700.

Reason:

To ensure that there would not be an unacceptable level of noise impact on nearby noise sensitive properties.

Notes:

Case Officer: Pauline Chalmers

Date: 24 October 2014

Appendix 1 - Development Plan Policies

Angus Local Plan Review 2009

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- * site location and how the development fits with the local landscape character and pattern of development;
- * proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- * use of materials, textures and colours that are sensitive to the surrounding area; and
- * the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy SC16 : Employment Land Supply

Angus Council will maintain a supply of employment land to which proposals for business and industry will be directed as follows:-

* Arbroath, Elliot and Kirkton, (minimum 10 ha);

- * Forfar, Orchardbank (minimum 10 ha);
- * Montrose, Forties Road and Broomfield (minimum 10 ha);
- * Brechin, Business Park (minimum 5 ha);
- * Carnoustie (up to 5 ha);
- * Kirriemuir (up to 5 ha).

At these locations, and other established employment areas, planning permission will not normally be granted for uses other than Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution), but may be considered where they are small scale, complementary and ancillary to the existing or proposed use. Development proposals will require to demonstrate there is no detriment to the surrounding amenity.

- * As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Policy ER11 : Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

Cairngorms National Park Local Plan

The site is not within the National Park.

DESIGN QUALITY

1.37 High quality, people-friendly surroundings are important to a successful development. New development should add to or improve the local environment and should consider the potential to use innovative, sustainable and energy efficient solutions. A well-designed development is of benefit to the wider community and also provides opportunities to:

- create a sense of place which recognises local distinctiveness and fits in to the local area;
- create high quality development which adds to or improves the local environment and is flexible and adaptable to changing lifestyles;
- create developments which benefit local biodiversity;
- create energy efficient developments that make good use of land
- and finite resources.

1.38 Design is a material consideration in determining planning applications. In all development proposals consideration should be given to the distinctive features and character of the local area. This includes taking account of existing patterns of development, building forms and materials, existing features such as hedgerows, trees, treelines and walls and distinctive landscapes and skylines.

1.39 The preparation of a design statement to be submitted alongside a planning application is encouraged, particularly for major developments or those affecting listed buildings or conservation areas. Early contact with Planning and Transport is recommended so that the requirement for a design statement can be determined.

Designing Places - A policy statement for Scotland – Scottish Executive 2001 This is the first policy statement on designing places in Scotland and marks the Scottish Executive's determination to raise standards of urban and rural development. Good design is an integral part of a confident, competitive and compassionate Scotland.

Good design is a practical means of achieving a wide range of social, economic and environmental goals, making places that will be successful and sustainable.

PAN 68 Design Statements
Design Statements should explain the design principles on which the development is based and illustrate the design solution.

The PAN explains what a design statement is, why it is a useful tool, when it is required and how it should be prepared and presented.

The aim is to see design statements used more effectively in the planning process and to

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- **site location and how the development fits with the local landscape character and pattern of development;**
- **proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;**
- **use of materials, textures and colours that are sensitive to**
- **the surrounding area; and**
- **the incorporation of key views into and out of the development.**

Innovative and experimental designs will be encouraged in appropriate locations.

DEVELOPMENT PRINCIPLES

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

Policy S6 : Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles**Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- e) Access to housing in rural areas should not go through a farm court.
- f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary
- g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

- h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- k) The planting of native hedgerows and tree species is encouraged.
- l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

Waste Management

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

Supporting Information

- s) (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

WORKING

2.43 Access to suitable employment opportunities is an essential part of a sustainable Angus. Jobs provide more than just income, and are an important part of most peoples' lives. Angus retains a higher proportion of the workforce in agriculture, forestry, fishing and manufacturing (20%) than the Scottish average (14%), but the service sector provides the majority of jobs (74%).

2.44 Most employment is focused on the towns where infrastructure, communications and labour force are most readily available. Changes in farming and associated activities have had a significant impact on the rural economic structure. Tourism is an important part of the Angus economy and provides opportunities throughout Angus.

2.45 In promoting the development of sustainable communities, this Local Plan aims to stimulate investment in Angus by encouraging the retention or upgrading of existing business sites and premises and providing a range of employment sites in key locations to meet demand. There is also support for tourism activities and proposals for farm diversification that contribute to the rural economy.

Angus Towns - Employment Land

2.46 In line with the Dundee and Angus Structure Plan, a supply of employment land will be maintained in Arbroath, Forfar, Montrose, Brechin, Carnoustie and Kirriemuir that reflects their size and requirements. Development will generally be directed to existing and proposed serviced industrial estates and business parks. Whilst this does not prohibit new business development outwith these areas, there is a presumption in favour of directing employment uses within the towns to sites identified for that purpose.

2.47 Employment land available for development is currently well distributed across the Angus towns:

| | | |
|--------------------|----------------------|----------------|
| Arbroath | Kirkton | 9.2ha |
| | Elliot | 1.0ha |
| Brechin | Business Park | 7.8ha |
| Carnoustie | Panmure | 0.5ha |
| Forfar | Orchardbank | 29.6ha (gross) |
| Kirriemuir | North Mains of Logie | 2.7ha |
| Montrose | Forties | 7.6ha |
| | Broomfield | 4.8ha |
| Angus Total | | 63.2ha |

Source: 2004 Employment Land Survey, Department of Planning and Transport – land available for development now or within five years

Employment Land Supply

2.48 Employment opportunities should be well related to the transport network and available workforce. The allocation of

Vision:

To raise the quality of life of the Scottish people through increasing economic opportunities for all on a socially and environmentally sustainable basis.

The Way Forward: Framework for Economic Development in Scotland; Scottish Ministers, June 2000

Land used for employment purposes also needs to be well located in relation to the transport network and the labour force.

The Way Forward: Framework for Economic Development in Scotland; Scottish Ministers, June 2000

Dundee And Angus Structure Plan Aims –

- provide a range of employment sites in key locations to meet and encourage demand through-out the plan period;
- identify and encourage major tourism opportunities; and
- facilitate the sensitive development and diversification of the rural economy.

employment land is based on the accessibility of sites, availability of infrastructure, environmental quality and capacity, and transport links. To provide a range of sites capable of meeting the changing needs of business throughout the plan period and beyond, provision is made in each of the main towns for a minimum five-year supply. Monitoring the take up and distribution of employment development will ensure land is continually available.

Policy SC16 : Employment Land Supply

Angus Council will maintain a supply of employment land to which proposals for business and industry will be directed as follows:

- **Arbroath, Elliot and Kirkton, (minimum 10 ha);**
- **Forfar, Orchardbank (minimum 10 ha);**
- **Montrose, Forties Road and Broomfield (minimum 10 ha);**
- **Brechin, Business Park (minimum 5 ha);**
- **Carnoustie (up to 5 ha);**
- **Kirriemuir (up to 5 ha).**

At these locations, and other established employment areas, planning permission will not normally be granted for uses other than Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution), but may be considered where they are small scale, complementary and ancillary to the existing or proposed use. Development proposals will require to demonstrate there is no detriment to the surrounding amenity.

** As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.*

Noise Pollution

3.20 Noise can have a significant impact on our health, quality of life and the general quality of the environment. The planning system has an important role in preventing and limiting noise pollution and the noise implications of development can be a material consideration in determining applications for planning permission adjacent to existing noise sensitive development or where new noise sensitive development is proposed.

Policy ER11 : Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere. Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise sensitive land uses.

Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

*Planning Advice Note 56 -
Planning and Noise (1999)
Noise sensitive land uses should
be generally regarded as including
housing, hospitals, educational
establishments, offices and some
livestock farms.*



Memorandum

Communities
(Roads)

TO: HEAD OF PLANNING & PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

OUR REF: GH/AGG/CT

DATE: 16 July 2014

SUBJECT: **PLANNING APPLICATION REF. NO. 14/00459/FULL – PROPOSED FABRICATION WORKSHOP ON VACANT SITE AT FORTIES ROAD INDUSTRIAL ESTATE, MONTROSE FOR MR BRIAN ABEL**

I refer to the above planning application.

The site is located on a vacant site on the north side of Brent Avenue, Forties Road Industrial Estate, Montrose.

The applicant has indicated that they will provide a total of 21 parking spaces for a workshop with a floor space of 1164 sqm and an office with a floor area of 166sqm. Angus Council parking standards require 1-3 spaces per 100sqm of workshop floor area and 2-5 spaces per 100sqm of office space. The proposal meets the standard required.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following condition:

- 1 That, prior to the occupation or use of the workshop, the footway/verge crossing at the proposed access shall be formed and constructed in accordance with the Angus Council Road Standards (Type E Junction).
Reason: to provide a safe and satisfactory access in a timely manner.

I trust the above comments are of assistance but should you have any further queries, please contact Adrian Gwynne on extension 3393.

p.p.

ChalmersPE

From: NelsonH
Sent: 11 August 2014 17:20
To: ChalmersPE
Subject: 14/00459/FULL Fabrication workshop Plot 4 Phase 2 Brent Avenue Montrose

Pauline,

I refer to the above planning application and can advise that I have now seen the plans. Given the distance of separation from domestic premises and following discussion with Steve Thomson; while this proposal has the potential to impact on nearby residential properties due to noise from the proposed use, I am however satisfied that noise can be controlled and therefore I would not object subject to the following conditions being attached:

1. That, between 2300 and 0700hrs the noise emissions from the proposed development shall not exceed 30dbA 5min Leq and 45dbA Lmax within any bedroom of any residential premises.
2. Noise from any ventilation, refrigeration or extraction plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NRcurve 35 between 0700 and 2200 and NRcurve 25 at all other times.

Regards



Holly Nelson | Environmental Health Officer (Part time) | Angus Council | Communities Dept | Regulatory and Protective Services | Dewar House, 12 Hill Terrace, Arbroath, DD11 1AH | Tel: 01241 435600

TaylorE

Subject: e

From: ThomsonSD
Sent: 18 August 2014 11:51
To: McGeeM
Cc: WilsonS; TaylorE
Subject: RE: Plot 4 Brent Avenue

Mark

Env Health have powers to deal with statutory nuisance including noise under the Environmental Protection Act 1990 however this regime is very much in favour of Industrial noise producers due to the defence of best practicable means; residential amenity does not have a high priority in terms of statutory nuisance in these cases. This is why Env Health get so heavily involved in Planning applications as we are trying to prevent situations arising where noise causes problems and there is little if anything that can be done to resolve the issue. In terms of the Planning regime we are looking to maintain a reasonable level of residential amenity. There is case law where the courts have taken the granting of Planning permission into consideration so we have to bear that in mind. Angus Council will have significantly changed the nature of the area by granting planning permission knowing full well that they may operate at night in the open with no controls and this would likely further weaken any future action in terms of statutory nuisance.

In terms of the deed of conditions, where would the balance lie between the needs of the business and the needs of the householder? I suspect it would be the same as Statutory Nuisance and favour the business. Who would investigate and instigate formal action via the deeds? What criteria would be used by the courts? If the deed of conditions is so effective at controlling noise why is the applicant so concerned about the proposed noise limits?

I believe that the most effective way to control noise is via the Planning Consent and the conditions suggested by Env Health amended by Ed's e-mail below are reasonable under the circumstances. I hope this clarifies things and happy to discuss further.

Regards
steve

Steve Thomson, Senior EHO Angus Council, Communities Department, County Buildings, Market Street, Forfar DD8 3WA Telephone: 01307 473331

From: McGeeM
Sent: 18 August 2014 10:44
To: TaylorE
Cc: WilsonS; ThomsonSD
Subject: RE: Plot 4 Brent Avenue

Ed

Thanks for the note.

The applicant won't accept these proposed compromises, can I ask please you seek the view of your service manager and I will let the applicant know of your final decision.

In the event that this is deleted we do have recourse through the "deed of conditions" which legally prohibits the occupier from causing nuisance, I assume Env Health/Planning still have recourse?

M

From: TaylorE
Sent: 15 August 2014 12:13
To: McGeeM; ThomsonSD

Cc: WilsonS

Subject: RE: Plot 4 Brent Avenue

Thanks Mark.

Steve and I have discussed this again.

Firstly, any planning permission for this development would not simply apply to All Oceans, but would also apply to any future occupier of the property.

The condition 2 noise limit is intended to protect sleep for residents between 2300 and 0700. This noise limit would be measured from within a bedroom at an affected house. In this case, the nearest house is approximately 200m from the site. If this noise level was exceeded by activities within the site, then I understand that this this impact would be unreasonable in allowing resident(s) an undisturbed sleep. If the operation wouldn't exceed these levels (which the applicant seems to be saying it wouldn't) then why is there a problem in this control being attached?

If the development exceeded this level, then I am advised that the impact upon amenity would be unacceptable.

Condition 3 relates to tonal noise from ventilation, refrigeration and extraction type of equipment only. The originally proposed condition proposes regulation of this during daytime and at night. Some flexibility could be applied here so that the control applies only at night and for the same hours as the condition 2 noise limit (2300-0700). This would give the applicant more flexibility during the day (0700-2300) while protecting residents ability to sleep at night.

If the applicant wouldn't accept this amendment and the decision comes down to the controls come off or he walks, ultimately that decision would have to be taken with input from my Service Manager.

Regards

Ed

Ed Taylor | Senior Planning Officer (Development Standards) | Planning Service | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | T: 01307 473207 | E: TaylorE@angus.gov.uk

From: ThomsonSD

Sent: 14 August 2014 15:45

To: TaylorE

Subject: RE: Plot 4 Brent Avenue

Ok I understand

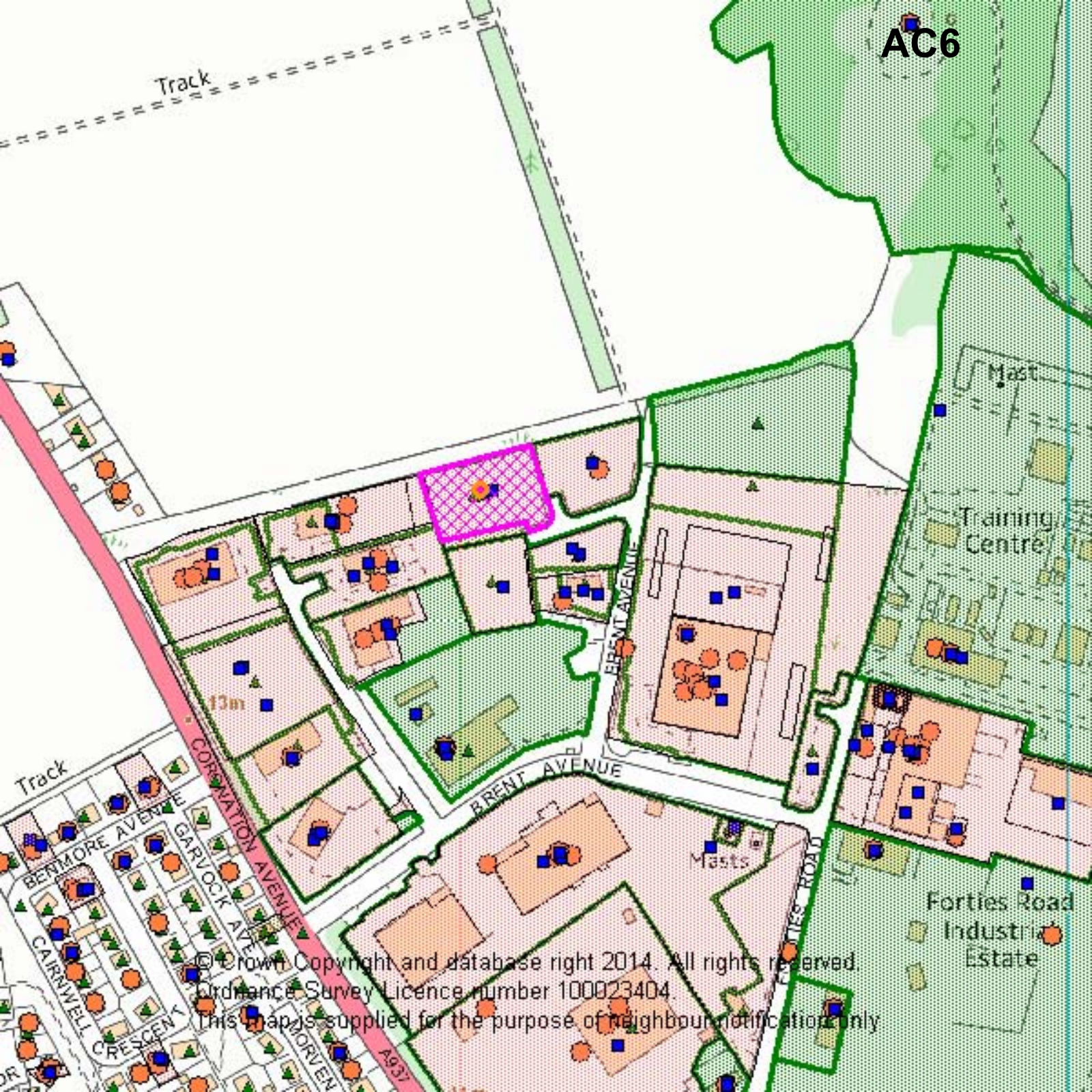
As I said before I feel I have to control noise either by process controls like restrictions on hours of operation or no working outside or alternatively via a noise limit. Based on my conversation with Mr able none of these are acceptable to him as he considers they will devalue the property.

Happy to discuss further.

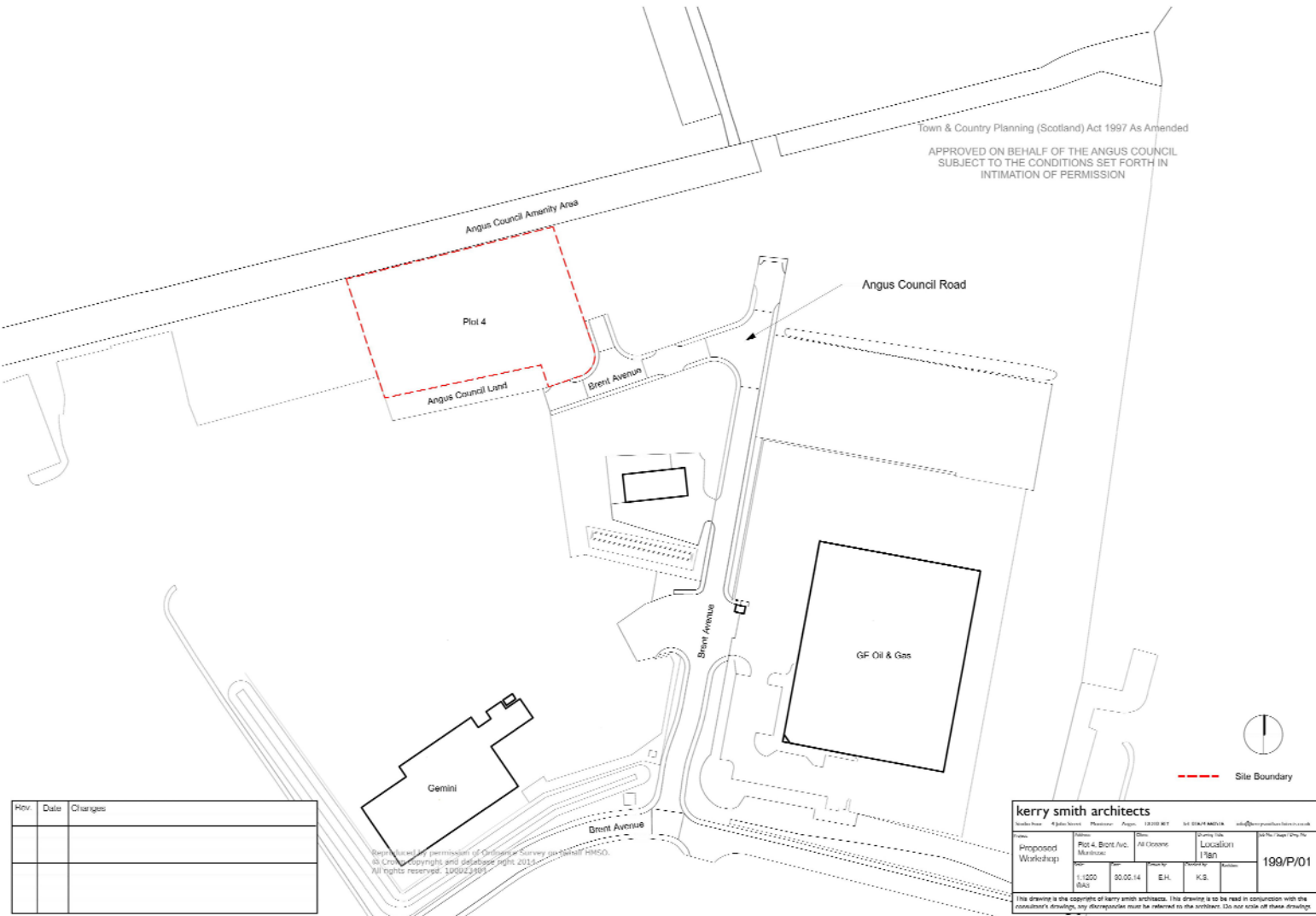
steve

Steve Thomson, Senior EHO Angus Council, Communities Department, County Buildings, Market Street, Forfar DD8 3WA Telephone: 01307 473331

AC6



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Town & Country Planning (Scotland) Act 1997 As Amended
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 SUBJECT TO THE CONDITIONS SET FORTH IN
 INTIMATION OF PERMISSION

| Rev. | Date | Changes |
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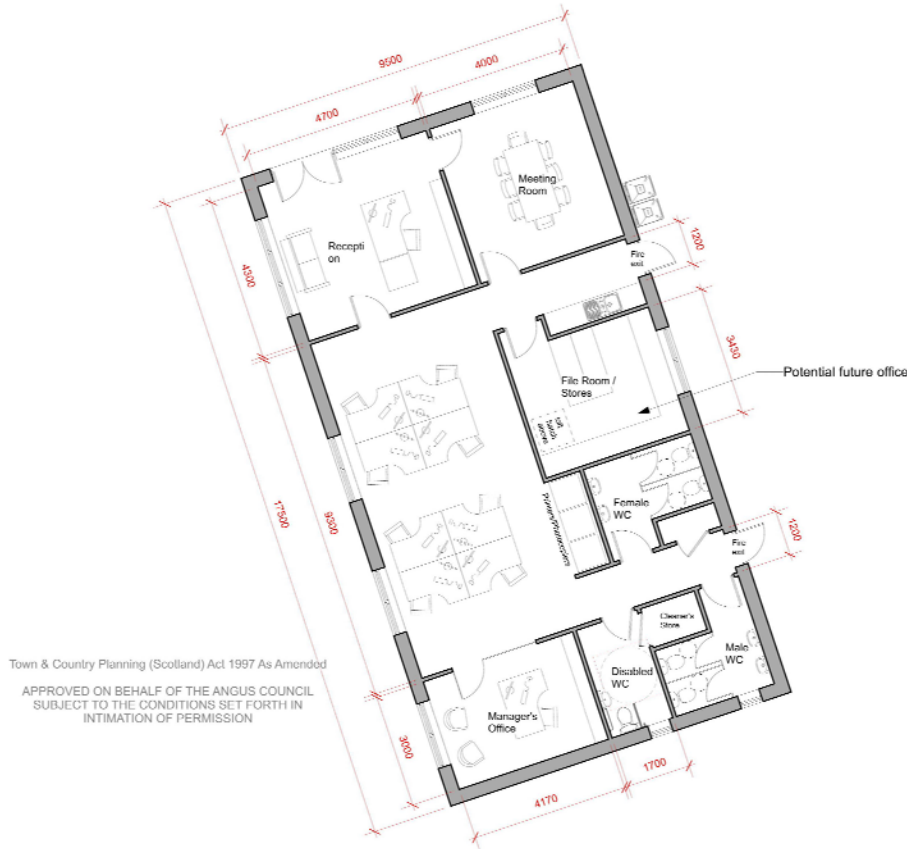
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kerry smith architects

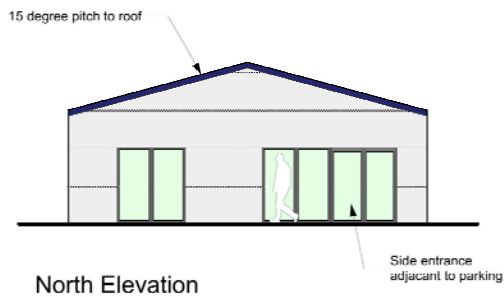
01246 350000 | 01246 350001 | 01246 350002 | 01246 350003 | 01246 350004 | 01246 350005 | 01246 350006 | 01246 350007 | 01246 350008 | 01246 350009 | 01246 350010

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|--------------------|--------------------|--------|---------------|----------|----------|
| Project Name | Plot 4, Brent Ave. | Client | All Occasions | Location | 17th |
| Proposed Work/Shop | 1:1250 (A3) | Date | 06.06.14 | Author | E.H. |
| | | | | Checker | K.S. |
| | | | | | 199/P/01 |

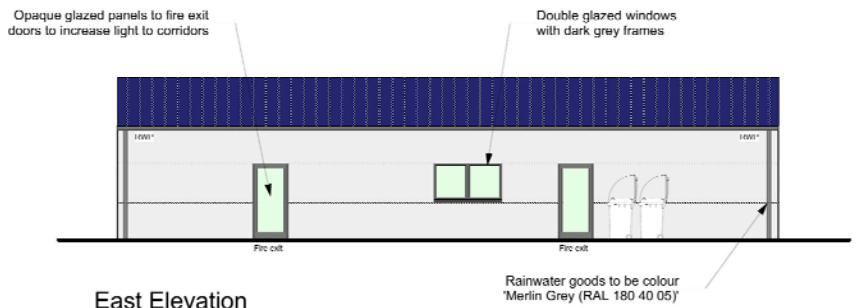
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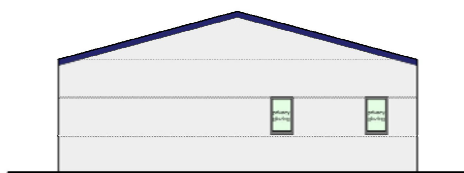
Plan



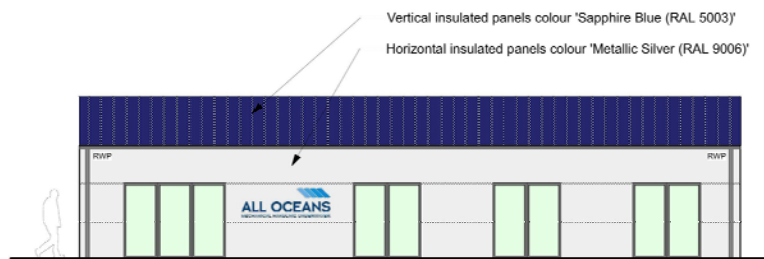
North Elevation



East Elevation



South Elevation



West Elevation



| Rev. | Date | Changes |
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| | | |

kerry smith architects
 Studio Four 4 John Street Montrose Angus DD10 8LY Tel: 01674 660516 info@kerrysmitharchitects.co.uk

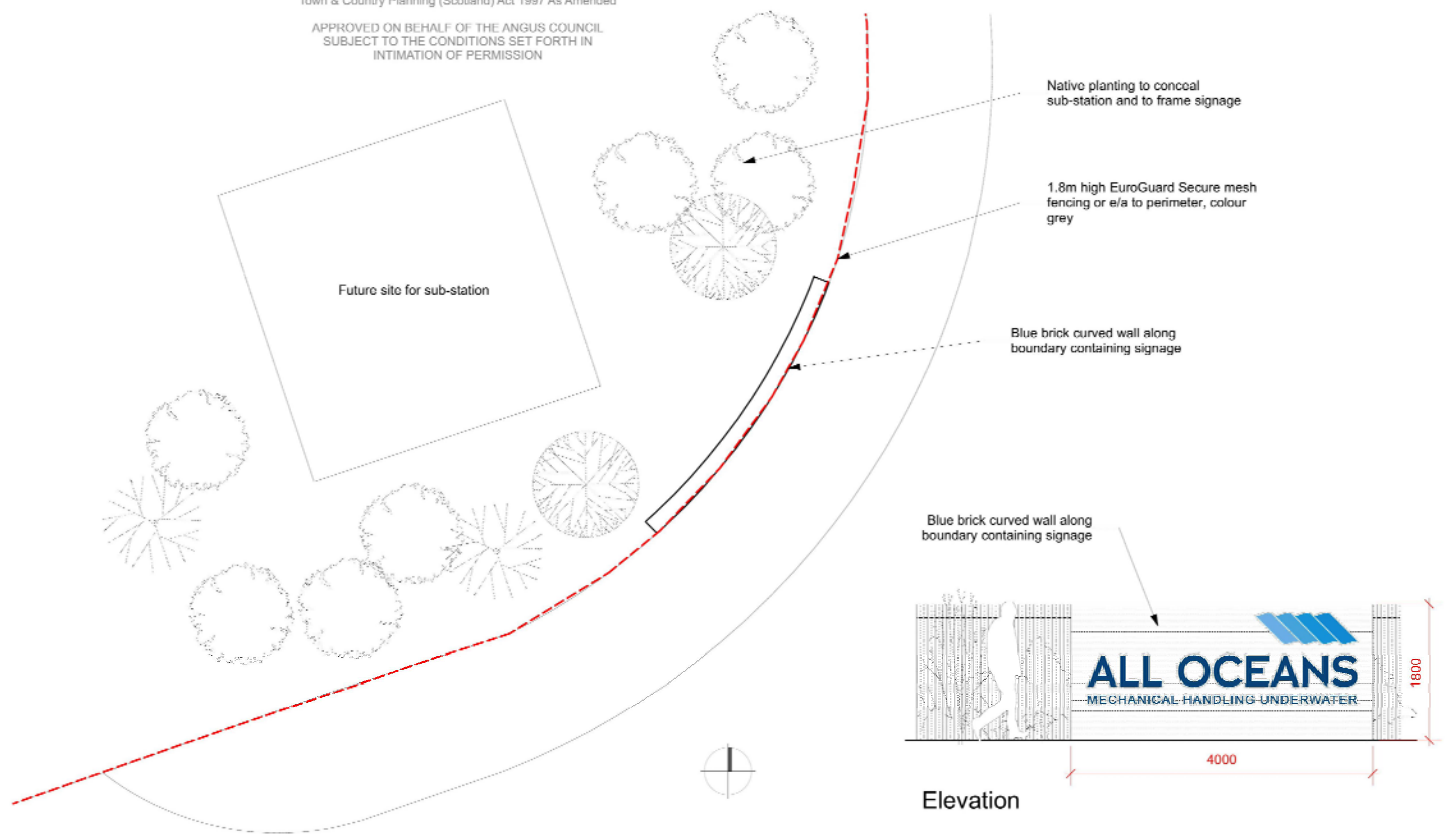
Project: Fabrication Workshop & Associated Offices Address: Plot 4, Brent Ave. Montrose Client: Mr B. Abel Drawing Title: Proposed Office Plan & Elevations Job No. / Stage / Draw. No: 199/P/06

Scale: 1:100 @ A2 Date: 00.05.14 Drawn by: F.J.L. Checked by: K.S. Revisions:

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Town & Country Planning (Scotland) Act 1997 As Amended

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INTIMATION OF PERMISSION



Native planting to conceal sub-station and to frame signage

1.8m high EuroGuard Secure mesh fencing or e/a to perimeter, colour grey

Blue brick curved wall along boundary containing signage

Blue brick curved wall along boundary containing signage

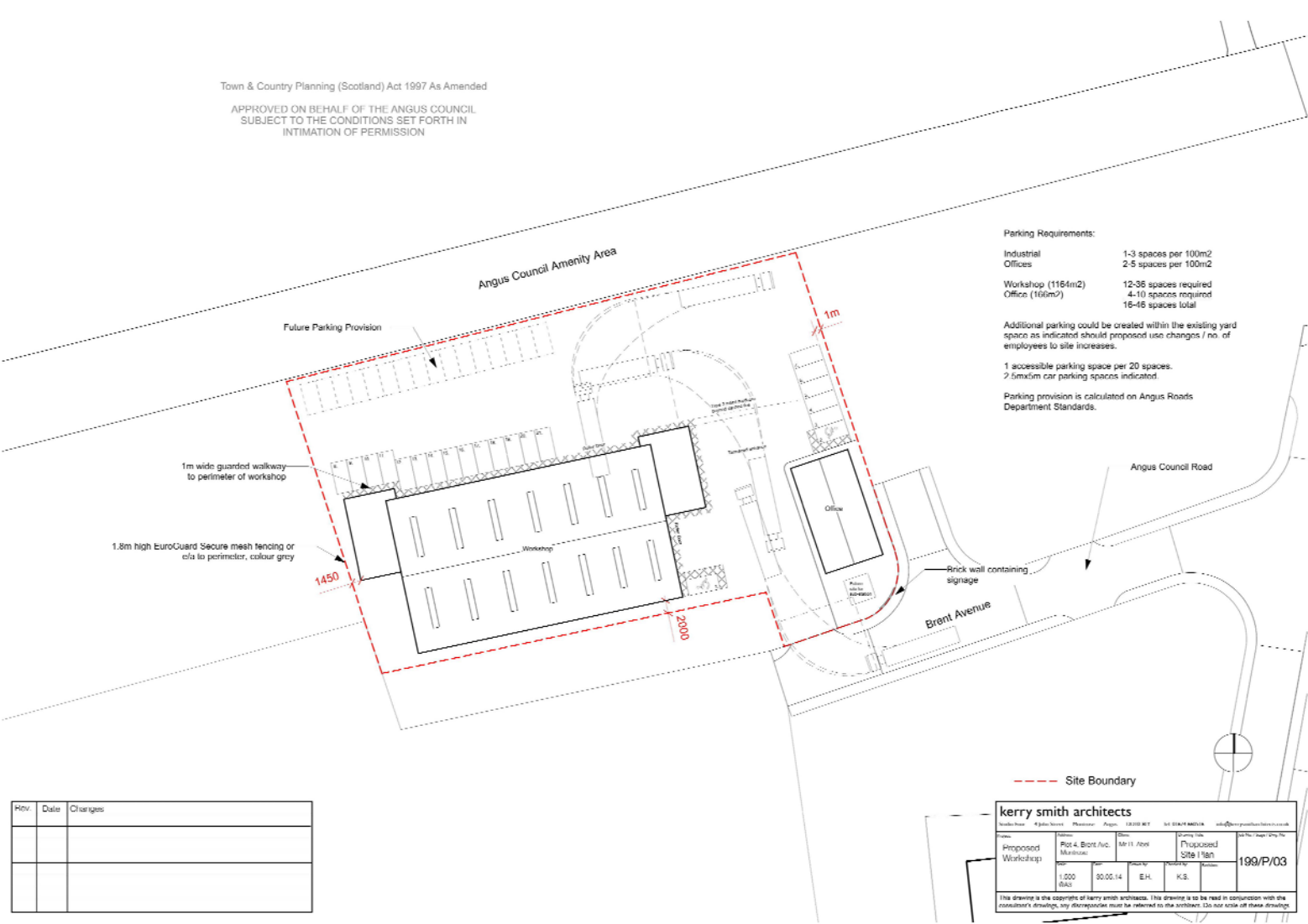
Plan

Elevation

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| kerry smith architects | | | | | |
| South West | 2 years | 100000 | Angus | 19/03/2017 | 101 014/14 482004 |
| Project | 199/P/07 | Site | 199/P/07 | Client | 199/P/07 |
| Fabrication Workshop & Associated Offices | Plot 4, 199th Ave, Montrose | MR B. Abd | Proposed Signage | 199/P/07 | 199/P/07 |
| 1,100 (BA3) | 30/03/14 | E.H. | K.S. | | |
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Parking Requirements:

- Industrial 1-3 spaces per 100m²
- Offices 2-5 spaces per 100m²
- Workshop (1164m²) 12-36 spaces required
- Office (168m²) 4-10 spaces required
- 16-16 spaces total

Additional parking could be created within the existing yard spaces as indicated should proposed use changes / no. of employees to site increases.

- 1 accessible parking space per 20 spaces.
- 2.6m x 5m car parking spaces indicated.

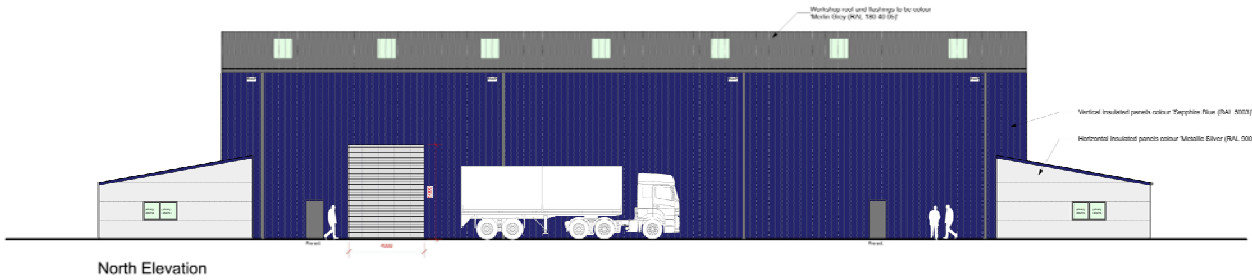
Parking provision is calculated on Angus Roads Department Standards.

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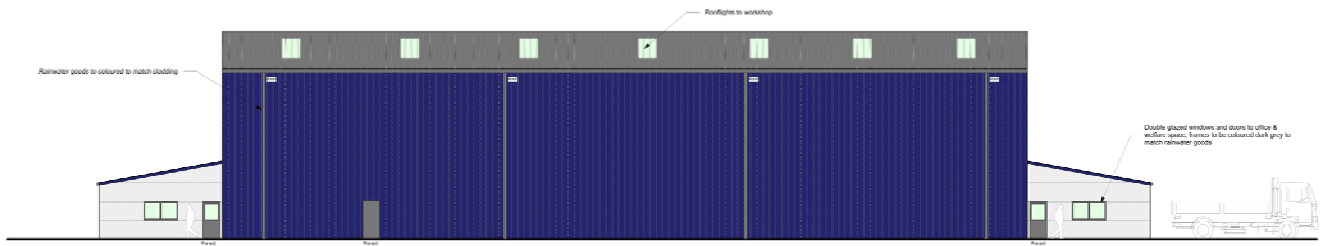
--- Site Boundary

| | | | |
|------------------------|--------------------|--------------|--------------------|
| kerry smith architects | | | |
| 01246 500000 | 01246 500000 | 01246 500000 | 01246 500000 |
| Proposed Workshop | Plot 4, Brent Ave. | Mr H Abell | Proposed Site Plan |
| 1200/043 | 06.06.14 | E.H. | K.S. |
| 199/P/03 | | | 199/P/03 |

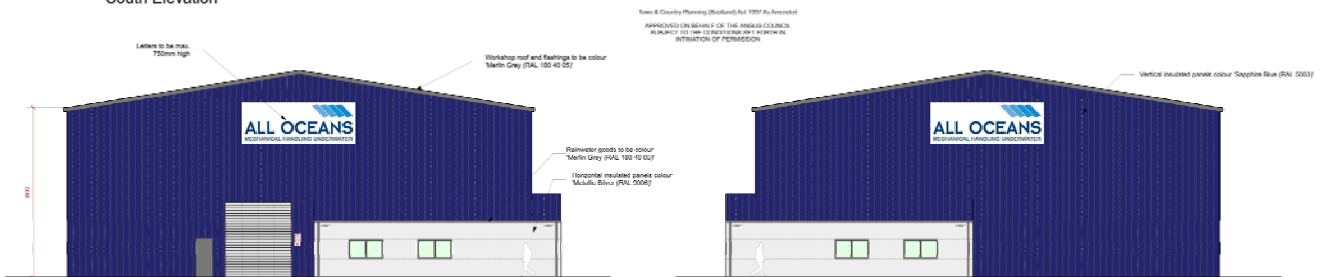
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North Elevation



South Elevation

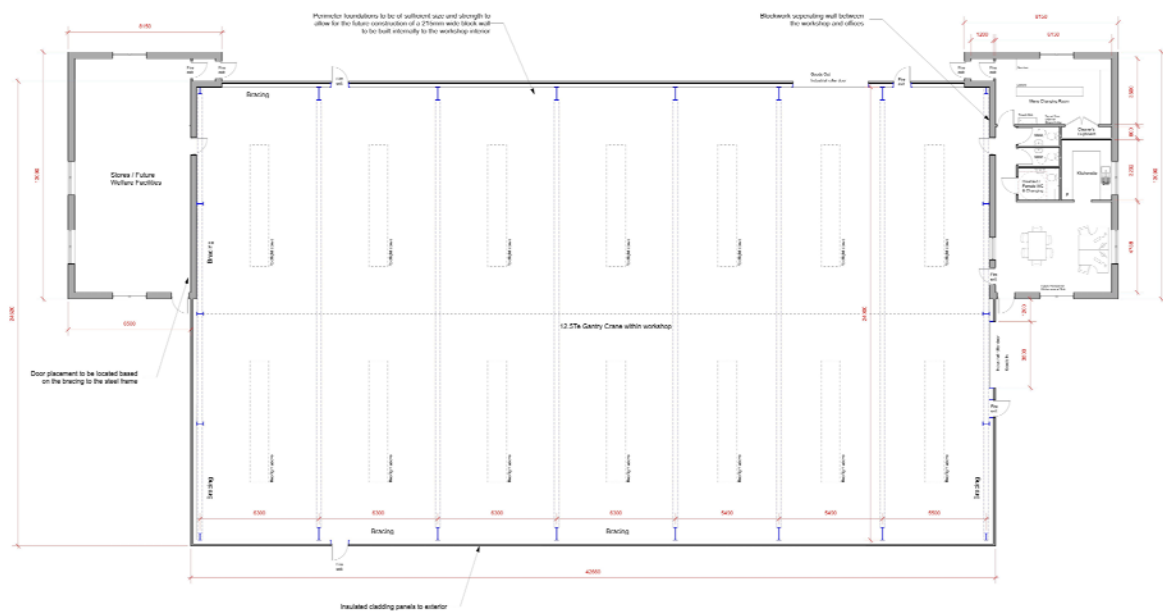


East Elevation

West Elevation

| Rev. | Date | Changes |
|------|----------|--|
| A | 17/05/14 | Changes to Advertisement at client's request |
| | | |
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| | | |

kerry smith architects
 Studio Floor 4 John Street Manchester, Greater Manchester, M2 2AP Tel: 0161 275 4400 Email: info@kerry-smith-architects.co.uk
 Project: Mill Lane, Manchester, Greater Manchester, M13 9PL
 Client: Mr B. Abel
 Project Title: Proposed Workshop Plan
 Date: 11/03/14
 Scale: 1:100 (E&W) 1:200 (S&N)
 Drawn By: F.J.H.
 Checked By: K.S.
 Job No / Stage / Draw No: 199/P/05
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Town & Country Planning (Development) Act 1997 As Amended
 APPROVED ON BEHALF OF THE LOCAL COUNCIL
 SUBJECT TO THE CONDITIONS SET FORTH IN
 STATEMENT OF PERMISSION

Staff welfare provisions -
 1 To include 1 WC, 1 WMB & 1 Urinal/WC
 1 To include 1 WC & 1 WMB
 1 Accessible WC



| Rev. | Date | Changes |
|------|------|---------|
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kerry smith architects
 Studio Floor 4 John Street Monmouth Angus DD10 1RF Tel: 01427 665514 info@kerrysmitharchitects.co.uk
 Project: Address: Client: Drawing title: Job No: Design Stage No.
 Fabrication Workshop & Associated Offices Plot 4, Burnt Ash, Monmouth MA B. Abdul Proposed Workshop Plan 199/P/04
 Scale: Date: Drawn by: Checked by: Approved: 30.05.14 L.J.L. K.S.
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ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013PLANNING PERMISSION - CONDITIONAL APPROVAL
Reference 14/00459/FULL

To: **All Oceans**
c/o Kerry Smith Architects
Studio 4
4 John Street
Montrose
DD10 8LY

With reference to your application dated **16 June 2014** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Fabrication workshop with associated welfare facilities located in adjoining lean-tos, and single storey office block to existing vacant site at Plot 4 Phase 2 Brent Avenue Montrose for All Oceans

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

- 1 That, prior to the occupation or use of the workshop, the footway/verge crossing at the proposed access shall be formed and constructed in accordance with the Angus Council Road Standards (Type E Junction).
- 2 That, between 2300 and 0700hrs the noise emissions from the proposed development shall not exceed 30dbA 5min Leq and 45dbA Lmax within any bedroom of any residential premises.
- 3 Noise from any ventilation, refrigeration or extraction plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 25 between 2300 and 0700.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 To provide a safe and satisfactory access in a timely manner
- 2 To ensure that there would not be an unacceptable level of noise impact on nearby noise sensitive properties.
- 3 To ensure that there would not be an unacceptable level of noise impact on nearby noise sensitive properties

The reason(s) for the foregoing decision by the Council are as follows:-

1. That the proposed development is compatible with the relevant policies of the Development Plan and would provide industrial premises on an appropriate site which is allocated for this purpose in the ALPR. There are no material considerations that justify refusal of the application.

Dated this **24 October 2014**

Iain Mitchell
Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG

NOTES

The decision was based on the following amendment(s):-

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS

TaylorE

From: TaylorE
Sent: 15 October 2014 17:06
To: 'Brian'
Cc: CllrDuff; McGeeM; WilsonS
Subject: Plot 4 Phase 2, Brent Avenue, Montrose
Attachments: RE: 14/00459/FULL Fabrication workshop Plot 4 Phase 2 Brent Avenue Montrose

UPRN: 000117128964

REF: 14/00459/FULL

ADDRESS: Plot 4 Phase 2, Brent Avenue, Montrose

PROPOSAL: Fabrication workshop with associated welfare facilities located in adjoining lean-tos, and single storey office block to existing vacant site

15/10/2014

Dear Mr Abel,

Thank you for your email. Further to Mark's email below my comments are as follows:-

I explained the difference in approach between plots 4 and 5 in my email of 1 September 2014. I have attached that email to this communication. You may not find my explanation satisfactory, but it would be inaccurate to suggest that no explanation has been given. The Planning Service routinely consults Environmental Health on planning applications on the basis that Environmental Health are the Council's experts on noise. Dialogue took place with Environmental Health for both plots and the advice we received is that a control was required for the application at Plot 4 and no control was required at Plot 5.

My email of 1 September indicates:-

The plot to the east is not subject to noise controls through any planning conditions, as you correctly point out. The plots to the west are subject to more onerous controls than are proposed through your application. An intermediate control is proposed on your site which allows operation day and night but simply attempts to protect residents ability to sleep at night. The controls follow a pattern of, the further you move away from houses, the less onerous the control. This attempts to strike a reasonable balance between allowing operational flexibility for business and the protection of residents ability to sleep at night.

The Planning Service was satisfied that noise did not need to be controlled for plot 5 because no control was requested by Environmental Health (in the context of the above paragraph). The content of the deed of condition did not play any part in the land use planning assessment – the deed is a civil matter/contract and not a mechanism for a land use planning control. Similarly, the 'human rights implications' paragraph in the Report of Handling is the same for every application for conditional approval and explains the balanced approach that we seek to achieve in determining a planning application in the context of human rights legislation. Planning circular 4/1998 (para 70) suggests that planning conditions are an appropriate way to regulate noise in processing planning applications. Government planning policy and advice does not promote the regulation of noise through title deeds and/or human rights legislation.

In terms of noise controls being retrospectively applied to plot 5, we cannot apply noise controls to a planning permission retrospectively.

I trust the above answers your enquiry sufficiently.

Regards
Ed Taylor

Ed Taylor | Senior Planning Officer (Development Standards) | Planning Service | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | T: 01307 473207 | E: TaylorE@angus.gov.uk

From: Brian [<mailto:brian@alloceans.co.uk>]
Sent: 15 October 2014 13:41
To: McGeeM
Cc: WilsonS; TaylorE; CllrDuff
Subject: RE: Plot 4 Brent Avenue

Mark,

I sincerely hope that you do understand what I am saying.

My dealings are with Angus Council.
This issue questions the Independence and Integrity of Angus Council as a whole and not just the Planning Department.

Regards
Brian Abel

From: McGeeM
Sent: 15 October 2014 12:50
To: Brian
Cc: WilsonS; TaylorE
Subject: RE: Plot 4 Brent Avenue

Brian

Thanks for the email and I hear what you say.

You're asking me a Planning questions and I have to reiterate I am not a Town Planner and I don't have any influence over detailed planning applications; they have to be independent by law regardless of the vendor. I will forward this email to Planning (CCed Mr Ed Taylor) in the hope that Development Control/Environmental Health can provide answers to your specific questions on why plot 4 and plot 5 Forties Rd appear to have been treated differently. On the point regarding additional conditions being applied to plot 5 my suspicion is that once a planning consent has been formally issued (i.e. plot 5) conditions can't be retrospectively added but I await formal comment from Planning on this matter.

I will come back to you as soon as I have a response.

Speak soon

Regards

Mark

Mark McGee, Development Officer - Economic Development, Chief Executive's Unit, Angus Council, County Buildings, Market Street, Forfar DD8 3WD. Tel: 01307 473199, Mobile: 07801 852228.

From: Brian [<mailto:brian@alloceans.co.uk>]
Sent: 15 October 2014 11:39
To: McGeeM

Cc: WilsonS; CllrDuff
Subject: RE: Plot 4 Brent Avenue

Mark,

Thank you for the quick turn round on this.
To say that I am disappointed would be an understatement.

Angus Council have failed so far to explain themselves with respect to why Plot 5 has been treated differently to Plot 4.

I have explained our operational intentions and get punished with prescriptive restrictions. Whereas Plot 5 is not aligned to any business or use, yet Planning are happy with the protections provided under "Human Rights" in the Handling Report and the Council are happy with the protections in the Deed of Conditions.

Obviously I would like not to have the restrictions in order to progress my plans for All Oceans in Montrose. However, if this is not possible then I would like the same conditions applied to Plot 5 so that when we put our property onto the open market for sale or let then we are competing on the same basis.

Regards
Brian Abel

From: McGeeM [<mailto:McGeeM@angus.gov.uk>]
Sent: 15 October 2014 10:33
To: Brian
Cc: WilsonS
Subject: FW: Plot 4 Brent Avenue

Brian

Further to our email exchange of yesterday I now attach below Planning's response to your suggestions which I hope is self explanatory. I note with interest Mr Taylor's comments regarding appealing the consent albeit I would urge you to seek professional advice before considering this route further, I am mindful this may cost money and the outcome of any appeal far from certain.

I am not sure what else can be done to resolve this planning issue to your satisfaction, I suspect we have explored all the options available.

We continue to be very keen to see you open and prosper in Montrose and would be very disappointed to loose All Oceans but note your frustration.

Needless to say, should you have any further questions or require any further information please don't hesitate to get in contact.

I look forward to learning your position on progressing matters.

Regards

Mark

Mark McGee, Development Officer - Economic Development, Chief Executive's Unit, Angus Council, County Buildings, Market Street, Forfar DD8 3WD. Tel: 01307 473199, Mobile: 07801 852228.

From: TaylorE
Sent: 15 October 2014 09:51

To: McGeeM
Cc: WilsonS
Subject: RE: Plot 4 Brent Avenue

UPRN: 000117128964

REF: 14/00459/FULL

ADDRESS: Plot 4 Phase 2, Brent Avenue, Montrose

PROPOSAL: Fabrication workshop with associated welfare facilities located in adjoining lean-tos, and single storey office block to existing vacant site

15/10/2014

Hi Mark,

Thanks for your email.

The Planning Service has been advised by Environmental Health that the noise controls proposed are necessary to protect amenity. As the applicant notes, they will be applied to any planning permission for this proposal. The applicant rejected the compromise position of repositioning the building so that it self-attenuates noise.

Once the applicant submits an accurate land ownership certificate (this has been requested several times) we will be able to process the application. I believe that you have received legal advice confirming that the Council does still own the site.

If the applicant is unhappy with the noise controls, they have the ability to submit a review a planning decision of conditional approval to seek to have the condition(s) removed (this is explained in the decision notice when it is issued). The Council's Development Management Review Committee would determine the review. In that situation however there is the risk of having any decision to issue conditional planning permission overturned and refused.

In terms of other controls available to the Council, Environmental Health's email of 18 August explained that *'Env Health have powers to deal with statutory nuisance including noise under the Environmental Protection Act 1990 however this regime is very much in favour of industrial noise producers due to the defence of best practicable means; residential amenity does not have a high priority in terms of statutory nuisance in these cases. This is why Env Health get so heavily involved in planning applications as we are trying to prevent situations arising where noise causes problems and there is little if anything that can be done to resolve the issue. In terms of the planning regime we are looking to maintain a reasonable level of residential amenity. There is case law where the courts have taken the granting of planning permission into consideration so we have to bear that in mind. Angus Council would have significantly changed the nature of the area by granting planning permission knowing full well that they may operate at night in the open with no controls and this would likely further weaken any future action in terms of statutory nuisance'*.

I don't think I can add anything further.

Regards
Ed Taylor

From: McGeeM
Sent: 14 October 2014 17:19
To: Brian
Cc: TaylorE; WilsonS
Subject: RE: Plot 4 Brent Avenue

[Brain](#)

Just a quick note to confirm receipt of your email with alternative proposals for the planning conditions. I am not a qualified to answer these detailed planning questions so to take these suggestions forward will simply forward them on to our Planners for comment.

As for marketing both plots 4 and 5 simultaneously and on the same basis as I said before both plots are for business use. Business use takes many forms and for that reason so no reason why we shouldn't market them on the same basis specifically when we have no "crystal ball" into what the future will hold in terms of use. A good example is Forties Rd phases I and II, look at the varying businesses uses, styles of design and scale of buildings. Your plot could be sold to a call centre, fish processing plant, stone mason, bike frame manufacturer how knows, all of these come under the business use but individual applications would be required to determine the suitability in planning terms, I don't know how I could reflect any potential restriction on the sites marketing when I don't know what they will be, or indeed if there will be any comment by statutory consultees.

The test for a planning is to submit a detailed application; we wouldn't encourage progressing with an application if we knew consent would not be forthcoming but again stress your use falls within the broad heading of business use. I am repeating myself but it's not unusual for noise conditions or indeed other conditions to be attached to any planning consent.

In terms of value I think that issue is specific to your business needs and operations, I have sold numerous development plots subject to planning consent on industrial land and the noise issue versus value has never come up. Many plots adjacent have noise restrictions and these businesses seem to operate, in fact Angus Council just sold several acres to an Engineering company in Brechin in Sept this year who intend building in excess of 30,000 sq ft for the creation of large off shore oil/gas structures, this deal was subject to bank funding and the banks surveyor never had issue with the noise restrictions which were imposed post application as part of the planning conditions.

I have sympathy for your situation and we are keen to see you in Montrose but please be mindful I can't influence planning consents.

I will CC this to Mr Ed Taylor in planning and come back to you as soon as I can.

In the meantime if there is anything else please get in touch.

Regards

Mark

Mark McGee, Development Officer - Economic Development, Chief Executive's Unit, Angus Council, County Buildings, Market Street, Forfar DD8 3WD. Tel: 01307 473199, Mobile: 07801 852228.

From: Brian [<mailto:brian@alloceans.co.uk>]

Sent: 13 October 2014 18:03

To: WilsonS; McGeeM

Subject: Plot 4 Brent Avenue

Steve / Mark,

I know that Planning have said that the operating restrictions will be applied to the Planning Approval but can I suggest a couple of alternatives which may appease them sufficient to have the restrictions removed.

The following options are already open to the Council and on their own or together seem equally efficient and binding providing more scope for complainants (private, Council or commercial) to raise a concern about operations being a “nuisance or a disturbance”. IE; these suggestions are not bounded by specific definitions (30dbA 5min Leq and 45dbA Lmax / NR curve 25 between 2300 and 0700) nor are they time of day specific.

- A. The “Human Rights” provision for greater protection of the general public, neighbours and private properties in the location more so than the proposed restriction. This suggestion is made after reading the wording in the “Human Rights” section of the Handling Report for Plot 5.
- B. The Deed of Conditions limits specific operations on the site and in general limits any operations that cause nuisance or disturbance.

As you are aware we have no intention of running 24/7 operations on the site, it is not how we operate and it is not how we have described our operations to Planning.

It is just that the proposed restrictions, if applied, will be picked up by our customers in their capability Audits which will question our capability to supply against urgent requirements.

The proposed Planning restrictions quite simply limit both our production and delivery capability from the site.

One customer has already carried out a pre-audit prior to our developing the site plans and another is close to doing an Audit given they know of our intention to develop production at Montrose but have not yet seen the plans.

As things stand, the proposed restrictions put the business from these two significant sources in jeopardy of being lost or limited. We are speaking in £millions per annum, not £thousands and we are speaking of 20 - 30 jobs and not 7 or 8.

Another effect of the proposed restrictions is on our Balance sheet.

The effect will be immediate and apply to the land value, and significantly more to the developed site value. IE; Planning’s restrictions will be “apparent” and limit the earning potential (and hence value) of the asset irrespective of what stage of development it is at.

This is why I request Angus Council consider the “non-apparent” restrictions proposed above as being better all round.

If Plot 4 and Plot 5 were the same size and had the same property on them they would have different market values, simply because they have different earning capability and employment capabilities determined by the difference in operating restrictions.

Why should this be when both plots were marketed on the same basis by the same Council at the same time?

My plans are to increase production for our established business whilst Plot 5 is in the hands of a property developer and you have no idea what you will get.

Regards
Brian Abel

ALL OCEANS Engineering Ltd
Tyrebagger Works, Clinterty,
Kinellar, Aberdeen AB21 0TT
Tel; 44 (0)1224 791001
Fax; 44 (0)1224 791002
www.alloceans.co.uk

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