

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 10 AUGUST 2021

PLANNING APPLICATION
FIELD 300M EAST OF CARLOGIE HOTEL CARLOGIE CARNOUSTIE

GRID REF: 356318 : 735954

REPORT BY MANAGER – DEVELOPMENT STANDARDS

Abstract: This report deals with application No. [20/00825/MSC](#) submitted by Angus Estates Ltd which relates to land in the vicinity of Carlogie, Carnoustie. It is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to allow the formation of an employment area comprising Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses and realignment of Carlogie Road, subject to different conditions than those attached to permission [17/00661/MSCM](#). Specifically, the application seeks variation of conditions to enable a phased landscaping scheme and revised scheme of landscaping. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the direction and conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

- 3.1 At its meeting on 24 April 2018 committee agreed to approve application [17/00661/MSCM](#) which sought permission for those matters specified in conditions attached to planning permission in principle [14/00043/PPPM](#). Those permissions allow for the formation of an employment area on land at Carlogie, Carnoustie. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The development has yet to commence and the applicant has suggested revision to the nature and phasing of the approved landscaping. Approval of those revisions requires amendment to the terms of the permission granted in April 2018. The conditions attached to planning permission in principle 14/00043/PPPM remain in full force and effect and are reproduced at Appendix 2.
- 3.3 In that respect this application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). It seeks permission to develop the land subject to different conditions than those attached to [17/00661/MSCM](#). Specifically, the application seeks permission to undertake the development in a manner that departs from the requirements of conditions 1(d) and 8 of that permission. The conditions attached to permission [17/00661/MSCM](#) have

been reproduced at Appendix 3 but conditions 1(d) and 8 and their associated reasons state: -

Notwithstanding the phasing detail provided by the applicant the development shall be undertaken in accordance with the following requirements: -

1(d). Completion of all proposed native woodland planting as shown on Drawing Nos. ASL_00_XX_DR_L_0101 and ASL_00_XX_DR_L_0102 - Landscaping Proposals - Sheets 1 and 2 by Austin-Smith: Lord LLP dated 20.12.2017 as revised by the requirements of condition 8 of this permission within the first planting season following the date of initiation of development.

Reason: In the interest of ensuring adequate access, drainage and landscaping at an appropriate stage of the development.

8. That no development in connection with the planning permission hereby approved shall take place until a revised scheme of landscaping that reflects the details contained on Drawing Nos. ASL_00_XX_DR_L_0101 and ASL_00_XX_DR_L_0102 - Landscaping Proposals - Sheets 1 and 2 by Austin-Smith: Lord LLP dated 20.12.2017 with additional provision for the planting of native trees on the eastern site boundary has been submitted to and approved in writing by the Planning Authority. The proposed planting shall be completed within the first planting season following the date of initiation of development. Any plants or trees that within a period of 5 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.

Reason: In order to ensure the timely provision of landscaping in the interests of the visual amenity of the area.

- 3.4 For this type of application relevant legislation indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)). The effect of granting permission for a Section 42 application is such that a new and separate permission exists, with any conditions attached as appropriate.
- 3.5 The application does not propose any alteration to the physical characteristics of the development as described in report [138/18](#) and as previously approved by committee under the terms of [17/00661/MSCM](#); it relates solely to the landscaping to be provided and the timescale for its provision. However, as approval of this application would result in the grant of a new permission for the overall development the nature of the overall development is described for ease of reference.
- 3.6 The proposal provides for the development of the employment area and the associated realignment of the A930 Carlogie Road. The alignment of the road divides the site into two development areas with Class 4 buildings (8 in total) proposed to occupy the land to the west of the realigned road. These buildings will be accessed by secondary access roads that are linked to the realigned road by a new junction. Class 4 buildings are also proposed adjacent to the east side of the realigned road with Class 4/5 buildings also located to the east of the realigned road and Class 6 buildings located at the eastern periphery of the site. The buildings on the east side of the realigned road (9 in total) will be accessed by secondary access roads that are linked to the realigned road by a new junction. Existing woodland areas within the site would be retained with additional structural planting provided.

- 3.7 The proposed buildings would have a 2-storey appearance, ranging from around 7 to 9.5m in height. There are 2 x 2,323sqm buildings; 4 x 929sqm buildings; 7 x 1,208sqm buildings and 4 x 465sqm buildings. The design of the buildings would allow for future sub-division. The external materials of the Class 4 buildings would comprise a white rendered wall finish with glazing wall elements. The roof cladding would be a standing seam type aluminium natural finish. The external materials of the Class 5/6 buildings would be horizontal metal panelling in white or metallic grey. The roof cladding would be a standing seam type aluminium natural finish. Each building plot would have dedicated staff/visitor car parking and Class 5/6 buildings would have associated service yard.
- 3.8 The alignment of the road is similar to that proposed by the council as part of the upgrading of the A92 and separate planning permissions provide for the formation of the sections of road that fall outwith the current application site. The existing road which bounds the application site to the north would be altered to prevent vehicular access with a new T junction formed between the U508 public road and the realigned road. Pathways are shown throughout the site including indication of where shared cycle and pedestrian accesses would connect to the existing path networks. Foul drainage would connect to the public sewer. Surface water drainage is proposed to be achieved through Sustainable Urban Drainage System (SUDS) with a SUDS detention basin located at the northeast corner of the site which would serve the area to the northwest and east of the realigned A930 as well as sections of the realigned road and junctions. Planning permissions have been granted that allow for the formation of the SUDS and this includes two detention basins to the south of the site.
- 3.9 This application proposes revisions to the specification of the landscape provision associated with the development in order to incorporate native species trees, and it makes provision for the delivery of landscaping on a phased basis. The phasing would provide strategic landscaping, and landscaping associated with the realigned public road at an early stage in the development process, with internal landscaping delivered as plots are developed.
- 3.10 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission (Appn: [99/00535/NOI](#)) was granted under the former Notification of Intention to Develop procedure on 20 July 1999 for the upgrade of the existing A92 Dundee/Arbroath Road, the construction of the A930 Barry Bypass & Upper Victoria Link Road, and the realignment of the A930 Carlogie Road. That included realignment of the A930 in the Carlogie area. That permission remains extant.
- 4.2 The Angus Local Development Plan allocates most of the application site for the formation of an employment area (Policy C6). In addition, it safeguards land at this location to enable the implementation of an upgraded A930 Carlogie Road (Policy C8).
- 4.3 Planning permission in principle was granted on 19 August 2014 for formation of an employment area comprising Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) Uses and realignment of Carlogie Road ([14/00043/PPPM](#) and Reports [209/14](#) and [385/14](#) refer). That permission remains extant and, as detailed below, approval has been granted for matters specified in conditions.
- 4.4 Approval was granted on 27 April 2018 for the matters specified in conditions 1 (a) – (g) of the planning permission in principle ([17/00661/MSCM](#) and Report [138/18](#) refer). That approval provided for the for the erection of 17 buildings and a 1-hectare

area of hardstanding, realignment of the A930 Carlogie Road, and associated landscaping and drainage. The consent has not been implemented but remains extant.

- 4.5 Three further planning applications on sites located to the north and south of the allocated employment area site were approved on 27 April 2018. Those provided for development associated with the provision of drainage infrastructure and road construction/realignment in association the delivery of the allocated employment area ([17/00685/FULL](#), [17/00686/FULL](#) and [17/00687/FULL](#) and Reports [139/18](#), [140/18](#) and [141/18](#) refer). The permissions have not been implemented but remain extant.
- 4.6 Application [20/00826/FULL](#) has been submitted under Section 42 of the Act to allow provision of drainage infrastructure and road realignment to support delivery of the employment land development. That application proposes variation to the scheme of landscaping and the timescale for its provision previously approved by [17/00685/FULL](#). That application is subject of a separate report to this committee.
- 4.7 Application [20/00827/FULL](#) was submitted under Section 42 of the Act to allow provision of drainage infrastructure and road realignment to support delivery of the employment land development. That application proposes variation to the scheme of landscaping and the timescale for its provision previously approved by [17/00686/FULL](#). That application is being progressed to determination.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application: -
- Planning Statement;
 - Landscape Management and Maintenance Schedule; and
 - Landscape Planting Phasing Proposal.
- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 4.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has offered no objection.
- 6.2 **Scottish Water** – has offered no comments.
- 6.3 **Community Council** – has offered no comments.

7. REPRESENTATIONS

No letters of representation have been received.

8. PLANNING CONSIDERATIONS

- 8.1 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.
- 8.2 In this case the development plan comprises: -
- [TAYplan](#) (Approved 2017)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 5 and have been considered in preparing this report.

- 8.4 The current application is made under Section 42 of the above Act as it constitutes an application to develop land subject to different conditions than those previously attached to permission 17/00661/MSCM. For an application made under Section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted. Government guidance indicates that this does not preclude consideration of the overall effect of granting a new planning permission in some cases, but this is primarily where the previous permission has lapsed or is incapable of being implemented.
- 8.5 If this application is approved it will result in a new and separate permission for the development, albeit the conditions attached to planning permission in principle 14/00043/PPPM would continue to have effect.
- 8.6 The land is allocated for employment use by Policy C6 of the ALDP and it is safeguarded for that use. Permissions have previously been granted for the development of an employment area, including detailed matters relating to the overall layout, mix and distribution of uses, building design, and road network. The relevant permissions remain extant and the development could be implemented in accordance with those permissions. This application does not seek to alter the fundamental nature or layout of the development that was previously approved by committee.
- 8.7 The principle of the development remains consistent with development plan policy. The overall layout and detail of the application provides for a distinctive development that takes account of the topography of the site and incorporates strategic landscaping that will help integrate the development into its environs. It does not give rise to any unacceptable impacts in terms of environment, amenity or road safety. The development would provide a range of building types that can meet a range of employment uses. It makes provision for the realignment of Carlogie Road which would improve linkages between the eastern end of Carnoustie and the A92 whilst also allowing opportunities for people to use modes of traffic other than private car. The detailed matters regarding the layout and design remain appropriate having regard to development plan policy and all relevant material considerations.
- 8.8 The generality of the conditions that were previously attached to 17/00661/MSCM remain relevant, and it is recommended that conditions dealing with those substantive matters are attached to any further permission that is granted. Those conditions, as detailed at section 10 below are considered appropriate having regard to development plan policy and material considerations.
- 8.9 This application has been submitted to allow amendment to the detail and phasing of the landscaping proposed in association with the development, and this assessment focuses on those elements.
- 8.10 The conditions attached to planning permission in principle 14/00043/PPPM required submission of a further application for approval of specified matters which included the landscaping of the site including the provision of strategic landscaping and the phasing of delivery of the landscaping. The landscaping detail provided for application 17/00661/MSCM, was deemed to be acceptable subject to the landscaping at the eastern boundary being augmented, and this was addressed by a planning condition. The phasing of the landscaping was also controlled by planning condition which effectively required all landscaping to be completed within the first planting season following the date of initiation of development.
- 8.11 The submitted landscape design replicates the previously approved landscape framework for the development but incorporates additional tree planting at the eastern boundary as required by condition 8 of 17/00661/MSCM. The submitted proposal makes provision for the area of woodland along the southern boundary to

be extended and results in a continuous block of woodland being formed from the realigned road along the southern and eastern boundaries. The planting mix is indicated to incorporate native species of varying size, including beech, birch, elder, oak, rowan, and Scots pine. The landscape design also incorporates large growing trees at important locations. The nature of proposed planting is acceptable as are the arrangements for its ongoing maintenance which includes details for the existing woodland areas within the site. While information in relation to maintenance of the planting has been provided it is not clear in relation to how that maintenance will be achieved or who will be responsible for it in the future. A condition is proposed that requires approval of specific management and maintenance responsibilities. The proposed landscape design would help integrate the development into its environs. It is compatible with the terms of the planning permission in principle, the land allocation, and relevant policies of the ALDP including its associated supplementary guidance.

- 8.12 The approved phasing for the landscaping requires all landscaping to be completed during the first planting season following the initiation of development. Such a requirement is considered to give rise to difficulties given that construction of the development is likely to be influenced to an extent by market demand. The current application makes provision for the landscaping to be delivered on a phased basis with the strategic planting on the periphery of the site and in association with the realigned road provided at an early stage within the development process. The submitted phasing schedule suggests that planting associated with the SUDS basin located in the northeast of the site would be provided as and when a full planning permission is granted for development in that area. However, that element of the development will be provided in association with the road realignment and it is considered appropriate to require planting associated with it to be provided in conjunction with timescales relevant to the realignment.
- 8.13 The submitted information proposes that planting in the southeast area of the site would be provided in association with timescales linked to the road works. That area is some distance from the realigned roadway and there is little link between the requirement for planting in that area and the completion of the road. However, it is proposed to plant a number of larger specimen trees to the southeast of proposed buildings in that area, and provision of those trees in association with the strategic landscaping on the southeast boundary would be desirable.
- 8.14 It is indicated that landscaping associated with individual plots would be provided in the first planting season following approval of site-specific full planning permissions. However, this permission allows for the construction of buildings on those plots and there may therefore be no further application before the buildings are constructed. Accordingly, it is considered appropriate to require plot specific planting to be provided in the first planting season following commencement of development within each respective plot. In addition, given the existing A930 roadway will be retained and is likely to be used by pedestrians for recreational purposes, it is considered appropriate to require the hedge planting and specimen tree planting in those plots adjacent to the carriageway of the existing road to be provided at an early stage of the development.
- 8.15 The phasing as detailed above allows a degree of flexibility having regard to the way the site is likely to be developed. It would be consistent with the intention of the conditions attached to 17/00661/MSCM as it would ensure that a landscape framework for the development is in place and has opportunity to establish. Proposed condition 1(d) below seeks to ensure provision of appropriate landscaping at appropriate stages in the development. Condition 8 as attached to permission 17/00661/MSCM is amended to require provision of a revised phasing scheme that reflects the matters highlighted above.
- 8.16 The conditions dealing with the remaining matters as specified in permission

17/00661/MSCM are reproduced subject to some minor typographical amendment where appropriate to reflect current practice.

- 8.17 In conclusion, the principle of an employment development on this site has been established through the site's allocation in the Angus Local Development Plan and through the grant of planning permission in principle. The planning permission in principle required the submission of a further application for approval of matters of detail prior to the commencement of any development. Committee has previously granted approval of those details, and separate permissions have also been granted that allow for infrastructure required to facilitate the development.
- 8.18 This application provides for the same detail in relation to matters including site layout, building design, and distribution of uses as was previously approved by committee. Those details remain appropriate and consistent with development plan policy having regard to relevant material considerations. It will provide a distinctive development and does not give rise to any unacceptable impacts in terms of environment, amenity, or road safety. The development would provide a range of building types that can meet a range of employment uses. It makes provision for the realignment of Carlogie Road which would improve linkages between the eastern end of Carnoustie and the A92 while also allowing opportunities for people to use modes of traffic other than private car.
- 8.19 The revised planting proposals are acceptable and the associated landscape phasing is generally satisfactory subject to some revision that can be addressed by planning conditions. In this respect the overall layout and detail of the application is considered compatible with relevant development plan policy.
- 8.20 There are conditions attached to the planning permission in principle that control the development. Further conditions are proposed that seek to ensure that the development is provided in an appropriate manner that minimises impacts on the amenity and environment of the area. The details submitted in respect of this application and in conjunction with the other planning applications/ permissions that have been submitted/ approved for enabling development at the site are compatible with relevant development plan policies subject to the proposed conditions. There are no material considerations that justify refusal of this application.
- 8.21 The application involves land in which the council has a financial interest as landowner. However, the proposal is not significantly contrary to the development plan and there is therefore no requirement to notify Scottish Ministers of the decision to approve the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of 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 recommendation 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.

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

That all matters relating to the requirements of Condition 1 (a) to (g) of the planning permission in principle are compatible with relevant development plan policy subject to the stated conditions. The proposal would not have an adverse impact on amenity, environment, or road safety and would provide an employment area, road realignment, and associated infrastructure in an acceptable manner. The landscaping proposals are acceptable. There are existing permissions that allow for this development at this location. There are no material considerations that justify refusal of these specified matters.

Conditions:

1. Notwithstanding the phasing detail provided by the applicant the development shall be undertaken in accordance with the following requirements: -
 - (a) Completion of the alterations to the existing public road and realignment of the A930 Road and its associated infrastructure prior to any other development taking place;
 - (b) Completion of SUDS detention basins and associated drainage infrastructure prior to the realigned section of the A930 Road being brought into use;
 - (c) Completion of the 2.5-metre-wide cycle track extension between the site and the existing cycle track to the east of the A930 Road as detailed in Condition 3 of Planning Permission ref: 14/00043/PPPM prior to the realigned section of the A930 being brought into use; and
 - (d) Completion of landscaping works as shown on Austin-Smith: Lord drawing Nos. ASL_00_XX_DR_L_0103 Rev P1 and ASL_00_XX_DR_L_0104 Rev P1, or such other landscape specification as may be approved in writing by the planning authority that achieves the same quality of landscape provision, in accordance with a scheme of phasing for provision of landscaping and planting approved under the terms of this permission.

Reason: In the interest of ensuring adequate access, drainage, and landscaping at an appropriate stage of the development.

2. The surface water system and a foul drainage connection to the public sewerage system shall be completed for each building prior to its occupation or use.

Reason: In order to ensure adequate drainage facilities are provided in the interests of the amenity of the area.

3. That, no development in connection with this permission shall be undertaken unless a Speed Limit Order has been approved that provides for the speed limit on the realigned section of the Carlogie to Muirdrum Road (A930) to be 40mph between the existing 30mph limit at Carnoustie and a point 60 metres to the north of the intersection of the road with the U508 Westhaven Road.

Reason: In the interests of road safety.

4. That, no development in connection with this permission shall be undertaken unless plans and particulars of details relating to the making of a Traffic Regulation Order, necessary for the implementation of alterations to the existing public road, have been submitted for approval by the Planning Authority. The development shall not commence until the Order has been made by the Council.

Reason: In the interests of road safety.

5. Vehicular and pedestrian access and public transport facilities relating to the development of the site shall be provided in accordance with the following requirements: -
 - (a) That, visibility splays shall be provided at all new road junctions on the realigned length of the A930 Carnoustie to Muirdrum Road. Visibility splays shall be formed prior to any junction being brought into use and shall provide for a minimum sightline of 120m in each direction at a point 4.5m from the nearside channel line of the realigned carriageway. Once formed nothing shall be erected, or planting permitted to grow within the visibility splay to a height in excess of 1050mm above the adjacent road channel level.
 - (b) That, a pedestrian refuge island shall be provided on the new carriageway of the realigned A930 Carnoustie to Muirdrum Road to assist in crossing between the footpath link north of San Melito and the new bus stop on its east side prior to the realigned section of the A930 being brought into use.
 - (c) That, the road verge to the rear of the proposed layby/passing place on Westhaven Road detailed on Fairhurst Drawing No. 119689/1003 Rev:C shall be reinstated prior to the layby/passing place being brought into use.
 - (d) That, prior to the occupation or use of any building, parking shall be provided within the site/each plot curtilage in accordance with the standards of Angus Council. All cycle parking provision shall be conveniently located for the main public entrance to the relevant building and shall be covered, lit and adequately signed.

Reason: In the interests of traffic and pedestrian safety and free traffic flow and to ensure adequate provision for the use of multi modal vehicles.

6. That, in the event that the proposed SUDS detention basin or any associated drainage infrastructure is not to be formally adopted, the basin and any other associated unadopted infrastructure shall be managed and maintained for as long as it remains in use in accordance with the SUDS Maintenance Schedule contained within the Carlogie Business Park, Carnoustie Drainage Impact Assessment (Revision 4) (119689) by Fairhurst dated 20.12.2017, or such other schedule that secures long-term management and maintenance as may be approved in writing by the planning authority.

Reason: In order to ensure the surface water drainage system is appropriately managed and maintained in the interests of safety and the amenity of the area.

7. That no development in connection with the planning permission hereby approved shall take place until a scheme for the management and maintenance of all landscaping areas within the development hereby approved, including areas of existing woodland has been submitted to and approved in writing by the planning authority. The submitted scheme shall be in general accordance with the Carlogie Business Park Landscape Maintenance + Management Schedule Version 6 dated 23.04.2021 and shall include details to indicate ongoing responsibility for implementation of that scheme. It shall make provision for the

protection of plants from grazing mammals and shall provide that any plants or trees that within a period of 5 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species. The approved landscape management and maintenance scheme shall be implemented upon commencement of planting and landscape work and shall endure for the duration of the development unless otherwise modified through prior written approval by the planning authority of a scheme that secures the same or similar outcomes.

Reason: In order to ensure long-term maintenance of the landscaping in the interests of the amenity of the area.

8. That the submitted landscape planting phasing proposal and proposed landscape phasing plan are not approved. No development in connection with the planning permission hereby approved shall take place until a revised scheme of phasing for provision of landscaping and planting has been submitted to and approved in writing by the planning authority. That scheme shall make provision for completion of landscaping works as shown on Austin-Smith: Lord drawing Nos. ASL_00_XX_DR_L_0103 Rev P1 and ASL_00_XX_DR_L_0104 Rev P1 in accordance with the following requirements: -

- i) Phases 1 – 3; the hedge and individual specimen trees located between the existing A930 carriageway and the proposed building and road in Phase 6; and the individual specimen trees located to the southeast of the approved buildings in Phase 9 – all planting shall be completed within the first 12 months following the date of initiation of development;
- ii) Phases 4 and 5 – all planting shall be completed within 12 months of the completion of the realigned A930;
- iii) Phases 7, 8 and the remaining planting in phases 6 and 9 (other than that previously required by i) above) – planting within each respective plot shall be completed within the first planting season following commencement of development within that specific plot;

(all references to phases refer to the proposed landscape phasing plan reference ASL_00_XX_DR_A_0105 Rev P1.1.)

or in accordance with such other landscape specification and phasing as may be approved in writing by the planning authority that achieves the same quality of landscape provision at similar stages in the development.

9. Prior to the commencement of any development comprising a Class 5 or 6 Use as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 a noise impact assessment shall be carried out in accordance with the requirements of condition 5 of permission 14/00043/PPPM. Where an approved noise impact assessment requires any noise mitigation measures these shall be implemented in full before any subsequent building or site is occupied and shall be maintained for the life of the development.

Noise from any Class 5 or 6 Use (as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997) forming part of the development shall not exceed the noise limits shown in table A below.

Table A: Noise limits

Day	Time	Average Period (t)	Noise Limit	Notes
Monday –	0700 –	12 hour	55 dBA Leq t	1,2,5

Sunday inclusive	1900			
Monday – Sunday inclusive	0700 – 1900	1 hour	Existing ambient Leq t	1,2,4,5
Monday – Sunday inclusive	1900 – 2300	4 hour	50 dBA Leq t	1,2,5
Monday – Sunday inclusive	1900 – 2300	1 hour	Existing ambient Leq t	1,2,4,5
Monday – Sunday inclusive	2300 – 0700	8 hour	45 dBA Leq t	1,2,5
Monday – Sunday inclusive	2300 – 0700	5 minutes	Existing ambient Leq t	1,2,4,5
Monday – Sunday inclusive	2300 – 0700	N/A	45 dBA Lmax fast response	3,5

Notes for Noise Condition

1. The assessment location shall be free field within the exterior amenity space of any noise sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.
2. As measured and rated in accordance with BS4142:1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas as amended.
3. The assessment location shall be within a bedroom with a window open 50mm for natural ventilation.
4. The noise limit shall be the relevant ambient noise level referred to in the approved noise survey report required by paragraph 1 of this condition.
5. Where the noise measurement position is not the same as the assessment location the received noise levels shall be predicted using an appropriate methodology.

Reason: In the interest of the amenity of existing and prospective occupiers of noise sensitive properties located near the site.

10. Noise associated with construction works including the movement of materials, plant and equipment shall not exceed the noise limits shown in table B below unless agreed in writing by the Planning Authority. At all other times noise associated with construction or demolition operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.

Table B

Day	Time	Average Period (t)	Noise Limit
Monday - Friday	0700 - 1900	12 hour	70 dBA Leq t
Saturday	0700 - 1300	6 hour	70 dBA Leq t

Reason: In the interest of the residential amenity of nearby noise sensitive properties.

11. That no building or site shall be occupied or used for food manufacture, waste management, shot blasting or coating processes unless an air quality management plan for that building or site has been submitted to and approved in writing by the Planning Authority. That air quality management plan shall be informed by the results of an air quality assessment. Thereafter the building or site shall be operated in accordance with the approved air quality management plan.

Reason: In the interest of the amenity of existing and prospective occupiers of sensitive properties located near the site.

12. That notwithstanding the information submitted in support of this application, the precise details of all external materials to be used on any building shall be submitted to and approved in writing by the Planning Authority prior to its construction. For the avoidance of doubt the proposed colour finishes of white, metallic grey and natural aluminium are not approved and external finishes should be of a recessive shade.

Reason: In order that the planning authority may verify the acceptability of the proposed materials in the interests of the visual amenity of the area.

13. That the distribution of uses within the site shall be in accordance with the building class assignment shown on page 10 of the Carlogie Business Park Development Brief dated 3 August 2017 by Austin-Smith: Lord. Specifically, land to the west of the realigned A930 Carlogie Road shall be used for Class 4 uses as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997 (as amended).

Reason: In order to ensure that the development is undertaken and operated in accordance with the parameters against which it was assessed and to safeguard the amenity of nearby sensitive properties.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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DATE: 2 AUGUST 2021

APPENDIX 1: LOCATION PLAN

APPENDIX 2: PLANNING PERMISSION IN PRINCIPLE 14/00043/PPPM CONDITIONS

APPENDIX 3: PERMISSION 17/00661/MSCM CONDITIONS

APPENDIX 4: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 5: DEVELOPMENT PLAN POLICIES

APPENDIX 6: PLANNING SERVICE PRESENTATION