

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 26 OCTOBER 2021

LAND NORTH OF PIPERDAM DRIVE, PIPERDAM DRIVE, PIPERDAM, FOWLIS - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 20/00408/FULL following on from the decision of the Development Management Review Committee, at its meeting on 14 September 2021, to grant planning permission for erection of farm shop, restaurant, café building, dwellinghouse for staff accommodation, biomass heating plant and associated works at Land North of Piperdam Drive, Piperdam Drive, Piperdam, Fowlis.

1. RECOMMENDATIONS

It is recommended that the Committee consider and approve the proposed conditions as set out in the Appendix to this Report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

At its meeting on 26 May 2021, the Development Management Review Committee considered an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of farm shop, restaurant, café building, dwellinghouse for staff accommodation, biomass heating plant and associated works, application No 20/00408/FULL, at Land North of Piperdam Drive, Piperdam Drive, Piperdam, Fowlis (Report 173/21 to the Development Management Review Committee refers). The Committee agreed to hold a site visit and to reconvene after the site visit to consider the application further.

On 16 June 2021, the Committee visited the site and thereafter met on 22 June 2021 to discuss the application further. Following consideration of the case on 22 June 2021, the Committee determined that they required further information from the applicant and issued a Written Procedure Notice requesting an ecological survey and a detailed drawing to show which trees require to be removed in order to provide the necessary road improvements together with details of the replacement planting. The Committee met on 14 September 2021 to consider the information submitted (Report 289/21 to the Development Management Review Committee refers) and the decision of the Review Committee was to uphold the appeal and grant planning permission subject to conditions. Having consulted with the Service Lead – Planning and Sustainable Growth, it is recommended that the Committee consider and approve the conditions as detailed in the Appendix to this Report.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. HUMAN RIGHTS IMPLICATIONS

The recommendation in this report to approve the conditions for application No 20/00408/FULL, 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 relation to this appeal, 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.

6. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

7. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

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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List of Appendices

Appendix – Proposed Conditions in respect of planning application No 20/00408/FULL

**PLANNING PERMISSION FOR ERECTION OF FARM SHOP, RESTAURANT, CAFÉ BUILDING,
DWELLINGHOUSE FOR STAFF ACCOMMODATION, BIOMASS HEATING PLANT AND
ASSOCIATED WORKS AT LAND NORTH OF PIPERDAM DRIVE, PIPERDAM DRIVE,
PIPERDAM, FOWLIS - CONDITIONS**

PLANNING APPLICATION NO 20/00408/FULL

Conditions:

1. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:

(a) A scheme for all hard and soft landscaping of the site including details of all boundary treatments. This scheme shall include an indication of all existing trees within and adjacent to the site, details of those to be retained and cleared, together with the measures for their protection in the course of development (erection of protective fencing in accordance with BS 5837: 2012). The approved boundary enclosures shall be formed prior to any of the buildings being brought into use. All planting indicated in the approved scheme shall be carried out in the first planting season following the development being brought into use or completion of the development, whichever occurs first, or at earlier stages. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

(b) A woodland replanting scheme to compensate for the removal of woodland from the site. The replanting scheme shall include full details of the location, specification, and timing for the provision of replanting. The approved replanting scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein.

(c) Precise details of the proposed means of surface water management including a scheme for the management and maintenance of all surface water infrastructure. The development shall not be brought into use unless the approved drainage scheme has been provided in its entirety and thereafter the system shall be managed and maintained in accordance with any approved management and maintenance details in perpetuity.

(d) Written evidence demonstrating that Scottish Water has approved a connection for the proposed development to the public sewer and public water supply. Thereafter the development shall connect to the public sewer and public water supply prior to the occupation or use of the development hereby approved.

(e) A scheme for the extraction and abatement of cooking odours. For the avoidance of doubt this scheme shall include (i) full details of all grease filters both primary and secondary; (ii) a high velocity discharge supported by full design calculations; (iii) high level discharge, a minimum of 1m above eaves height with no restrictions, i.e. caps or cowls and shall be supported by detailed drawings showing all ductwork and the discharge position(s). Thereafter the approved extraction and abatement scheme shall be installed in accordance with the approved details prior to the use of the development hereby approved and shall thereafter be maintained in full working order.

(f) Plans and particulars of all details relating to access; road layout design; specification and construction, including provision of the footway, street lighting and surface water drainage. The alterations to the public road shall thereafter be completed in accordance with the approved details within a specified timescale and all prior to the opening or use of any building on site.

(g) A scheme for the provision of waste management facilities for the segregation, storage and collection of waste associated with the development. Thereafter the waste management facilities contained within the approved scheme shall be provided prior to the use of the development hereby approved.

(h) Details of the location of the 20 proposed cycle parking spaces and any associated development to ensure that they are sheltered, secure and lit (as set out in the Mullin's Farm Shop at Piperdam Transport Statement by Fairhurst, September 2020). For the avoidance of doubt the cycle parking shall be provided close to the entrance of the shop / café / restaurant building and shall be provided prior to the use of the shop / café / restaurant building hereby approved.

Reason: In order that the planning authority may control the specified details in the interests of the amenity and environmental quality and to ensure the protection of retained trees during the development process (a); in order to ensure that an appropriate scheme of woodland planting is provided to compensate for the woodland that would be lost to accommodate the development (b); in order to ensure that appropriate surface water managements arrangements are in place to serve the development (c); in order to ensure that there is adequate capacity in the public drainage and public water supply to serve the development and to ensure suitable means of water supply and foul drainage (d); in order to ensure that odours generated by the development are appropriately mitigated in order to safeguard the amenity of occupiers of nearby residential property (e); in order to ensure that appropriate road infrastructure is provided to serve the development in a timely manner (f); in order to ensure that suitable waste management arrangements are in place to serve the development (g); in order to ensure the suitable provision of cycle parking to encourage multi modal means of transport (h).

2. Prior to the commencement of development, a footway shall be provided on the south side of the A932 Dundee - Coupar Angus - Blairgowrie – Dunkeld Road along the frontage of the development and extending to Piperdam Drive. The footway shall be formed and constructed in accordance with the standards of Angus Council.

Reason: in order to provide adequate infrastructure in the interests of pedestrian safety and to encourage sustainable means of travel.

3. Noise from any fixed plant associated with this development shall not give rise to a noise level assessed within any dwelling or noise sensitive building with windows partially open for ventilation, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and Noise Rating Curve 20 at all other times.

Reason: In order to regulate noise levels in the interests of the amenity of occupiers of nearby properties.

4. All amplified music and/or vocals shall be inaudible when assessed within any habitable room of a dwelling or other room of a noise sensitive premises with the receiver room windows partially open for ventilation.

Reason: In the interests of the amenity of occupiers of nearby properties.

5. That the biomass boiler shall be a be a Heizomat RHK200 unless otherwise approved by the Planning Authority following submission of information to demonstrate that any alternative boiler will meet all relevant Air Quality Objectives in respect of emissions of NO₂ and PM₁₀ as laid down in the current Air Quality Strategy. The operation of the biomass boiler shall be subject to the following operational restrictions: -

a) The fuel used in the boiler shall be virgin woodchip with a maximum moisture content of 31% dry weight unless otherwise approved in writing by the Planning Authority following submission of information to demonstrate that any alternative fuel will produce the same or reduced emissions as the approved boiler.

b) All emissions to atmosphere from the biomass boiler shall be discharged vertically from a flue stack 0.3 metres in diameter and 6.0 metres in height above ground level, with no rain cap or cowl.

Reason: In order to ensure that there are no unacceptable impacts on air quality in the interests of the amenity of occupiers of nearby properties.

6. The dwellinghouse hereby approved shall not be occupied until the farm shop / restaurant / café building is brought into use. The dwellinghouse shall only be occupied by staff employed at the farm shop / restaurant / café hereby approved and any resident dependents.

Reason: In order to ensure that the accommodation is only used by workers employed in association with the farm shop / restaurant / café hereby approved, as that is the justification for approving a house in this location.

7. The recommendations and mitigation proposed in the 'Land North of Piperdam Drive Protected Species Survey Update Report' by Caledonia Conservation Ltd (dated 14 July 2021) shall be implemented in accordance with the details in this report unless otherwise modified by the conditions of a protected species licence.

Reason: In order to minimise any impact on bats and other species using the site.

8. No more than 500sqm of the gross floor space of the farm shop / restaurant / café hereby approved shall be used for the retail sale of goods. The goods to be sold shall be limited to drinks, tobacco, newspapers, magazines, food and confectionary.

Reason: In order to ensure that the amount of floorspace and the range of goods to be sold is limited to that of a local convenience shop as defined by Policy TC20 of the Angus Local Development Plan (2016).