

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 13 JUNE 2023

PLANNING APPLICATION – FIELD 340M NORTHWEST OF PITSKELLY FARM,
PITSKELLY, CARNOUSTIE
GRID REF: 354141: 735291

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [23/00194/FULL](#) by DJ Laing Homes Limited for the erection of a building for uses within class 4, 5 or 6 of the use classes (Scotland) Order 1997 and associated works at a field 340m northwest of Pitskelly Farm, Pitskelly, Carnoustie. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the 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 The applicant seeks full planning permission for the erection of a new building for employment related uses on land northwest of Pitskelly Farm, Pitskelly, Carnoustie. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to around 4,000sqm and is located around 110m to the east of the C1 Monikie to Barry public road. The site is located within the southeast corner of a larger area of land that is currently being developed as a business park/employment area.
- 3.3 The proposal seeks permission for the erection of a building consisting of two units to be used for employment related uses. The building would be rectangular in plan with a floor area in the region of 965sqm and an overall height of around 7.5m to the apex of the pitched roof. The proposed building would be finished with light grey wall panels and a dark grey corrugated metal roof. Access to the site would be taken from a previously approved new road and 19 parking spaces are proposed to the north of the building with delivery access to the south (rear) with additional parking available in that area. The development would be connected to the public water supply and foul drainage networks with surface water directed to a sustainable urban drainage system (SUDs).
- 3.4 The application has not been subject of variation.
- 3.5 The application was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning Permission in Principle ([14/00573/PPPM](#)) for a residential and industrial estate development and associated works was approved by council on 19 December 2016 following an unsuccessful petition for judicial review by an interested party (report [434/16](#) refers).
- 4.2 A subsequent application ([19/00927/MSC](#)) for approval of matters specified in conditions attached to planning permission in principle 14/00573/PPPM was approved by committee on 10 February 2021. That application provided detail of 249 residential units and a first phase of the industrial estate including roadways, drainage, and landscaping. The resultant planning permission has been implemented and work is underway on the new homes and employment land.

5. APPLICANT'S CASE

A design statement and has been submitted in support of the application and it can be viewed on [Public Access](#). It provides a brief overview of the site location and planning history. The statement indicates that previously approved starter units within the wider industrial estate are now under construction and form a design guide for the rest of the industrial estate to follow suit. A number of visualisations of the proposed building are provided.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – no objection in relation to road traffic or pedestrian safety subject to conditions regarding visibility splays, completion of the site access road, and provision of suitable parking.
- 6.2 **Scottish Water** – no objection.
- 6.3 **Angus Council Environmental Health** – no objection subject to conditions to limit noise and atmospheric emissions from the development.
- 6.4 **Carnoustie Community Council** – objects to the principle of the proposal, including impacts upon place, habitat, flooding and agricultural land. The comments suggest the proposal contravenes the ALDP and NPF4 policies in this regard and the scale and design of the development is not acceptable. The community council notes support for the comments and conditions suggested by Roads and Scottish Water. *A copy of the full representation made by the community council is provided at Appendix 2.*

7. REPRESENTATIONS

No letters of representation have been submitted by third parties.

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: -
- [National Planning Framework 4](#) (NPF4) (2023)
 - [Angus Local Development Plan](#) (ALDP) (2016)
- 8.3 The development plan policies relevant to the determination of the application are

reproduced at Appendix 3 and have been taken into account in preparing this report.

- 8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provisions of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
- 8.5 The application site is located within the defined development boundary for Carnoustie and it forms part of a larger area of land which is identified as allocation C7 'Working – Land at Pitskelly' in the ALDP. The C7 allocation indicates that 10ha of land at Pitskelly is allocated for employment use in accordance with Policy TC14. Policy TC14 relates to employment allocations and existing employment areas and states that within these areas, planning permission will be granted for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses. In broad terms, development plan policy seeks to safeguard allocated land for the uses identified in the land allocation.
- 8.6 NPF4 Policy 26 relates to development proposals for business and industry uses. It states that proposals for such uses on sites allocated for those uses in the local development plan will be supported.
- 8.7 Development plan policy indicates that development on greenfield sites will not be supported unless the site has been allocated for development in the local development plan. Policy allows loss of prime quality agricultural land where it is necessary to deliver the strategy of the local development plan. The proposal involves use of greenfield land and loss of prime quality agricultural land, but that was a known feature of the site when it was allocated for development in the ALDP. As indicated, development plan policy allows for loss of greenfield and prime quality land where it is allocated for development or required to meet the development strategy of the local development plan as in this case.
- 8.8 The principle of the type of development proposed by this application is specifically supported at this location by development plan policy and the land is safeguarded for this type of use. As indicated above, planning permission has been granted that allows for the formation of the employment area and development is underway with the construction of a new junction with the public road, formation of internal roadways and drainage infrastructure, and the erection of buildings.
- 8.9 In relation to detailed matters, the proposed building would be over 90m from the closest residential property in the development to the south. The environmental health service has considered the current application and offers no objection to the proposal subject to planning conditions and those are included in the recommendation below. The separation distance between the proposed building and nearby homes is reflective of that set out in the masterplan for the larger development area and is such that significant impact on amenity of occupants of those homes should not be adversely affected. The proposed conditions set out below replicate those that are attached to the permission for the wider employment area.
- 8.10 The design of the building is similar in style to those previously approved and that are under construction on the wider site. It would be of simple rectilinear form with a pitched roof and would be set back over 100m from the main public road to the west and around 60m from the Pitskelly Farm road core path to the south. The formation of the larger employment area at this location will change the landscape and it will give rise to significant visual impact. However, the wider development is approved, and this building would be seen within that context. A landscaping and planting scheme required and approved as part of permission for the larger residential and employment land development is currently underway and is due for completion within the next planting season. That scheme will help integrate the overall development

into the landscape and reduce visual impact. A condition is proposed to regulate the precise details of finished ground levels, boundary enclosures, and planting proposed within the application site. The layout and design of the proposal does not give rise to any significant issues in terms of the council's design quality and placemaking supplementary guidance and is acceptable subject to conditions.

- 8.11 The impact of the larger residential and employment development on built, cultural, and natural heritage interests was considered at time of determination of the planning permission for the whole site. The current application site is not subject of any specific designation for those reasons and there is no evidence to suggest that the proposal would give rise to any unacceptable impacts in relation to those matters.
- 8.12 Access to the proposed development site would be taken from a new roadway within the larger employment area which extends from the site to a new junction with the public road which has been formed to the west. The new roadway is currently under construction. Car parking provision is proposed within the site to meet the needs of the building. The roads service has reviewed the proposal in terms of the traffic likely to be generated by it, and its impact on the public road network and has offered no objection. It has proposed conditions regarding access, visibility splays, and for the provision of disabled parking spaces. These matters can be regulated by condition. The planning permission for the larger development includes a requirement for public transport provision and the area is reasonably well served by footpaths and footways/ cycle paths providing opportunity for active travel.
- 8.13 The proposed development would be connected to the public water supply and foul drainage network. Scottish Water has reviewed the proposal and offers no objection. A basin associated with a sustainable urban drainage system has been formed to the west of the proposed development site and it is anticipated surface water would be directed to that system. However, in the absence of precise details, a condition is proposed to deal with this matter. In general terms, the proposed drainage arrangements are acceptable subject to condition.
- 8.14 The planning permission for the wider residential and employment area development makes provision for necessary upgrade to road, public transport, and drainage infrastructure, as well as a requirement for contribution towards the provision of an extended bus service. This specific proposal does not give rise to any requirement for developer contribution in terms of the council's developer contribution and affordable housing supplementary guidance.
- 8.15 As with any proposal, the proposal attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan. The land is specifically allocated in the development plan for this type of development and there is an expectation that proposals which comply with development plan policy will be supported unless material considerations indicate otherwise.
- 8.16 In relation to material considerations, it is relevant to have regard to the planning history of the site and to matters raised by the community council in its objection.
- 8.17 Planning permission has been granted that provides for residential and employment development on land east of Pitskelly Road. The application site lies within the area where permission has been granted for employment related uses. The decision to allocate this land for employment development and to grant permission for such use was a decision made by council in 2014. The decision to allocate land was supported by Scottish Government appointed Reporters at an examination of the local development plan, and the decision to grant planning permission was successfully defended at judicial review. The planning permission has now been implemented and new residential and employment development is under construction at this location.

The extant planning permission represents a significant material consideration that supports the grant of planning permission for the current proposal.

- 8.18 The community council's position is noted. However, it is also relevant to note that at time of consideration of the original planning application for employment development at this general location in 2014, the community council wrote expressing its support for the proposal.
- 8.19 Notwithstanding that, and dealing with the specific concerns raised, the scale and design of the proposal is compatible with relevant development plan policy for the reasons set out above, and the appearance of the proposed building would reflect previously approved development on the site. The agricultural land has been prepared for development and there are no protected habitats present at this location. Loss of prime agricultural land was accepted when the site was allocated for development and when planning permission was granted for the wider development. Policy specifically allows for development on greenfield land and for loss of prime land where it is allocated for development and/ or required to support delivery of the development strategy of the local development plan. Drainage infrastructure in the area has been upgraded to facilitate the wider development and provision is made for a sustainable urban drainage system to serve the larger employment land allocation. Scottish Water has offered no objection to this application and there is no evidence to suggest the development of a relatively modest building and associated hard areas would increase flood risk. A condition requiring precise details of the surface water drainage system is proposed.
- 8.20 In conclusion, the application proposes the erection of a building for employment uses on land that is allocated and safeguarded for such use in the ALDP. Development plan policy in its broadest terms seeks to direct employment related development to land that is allocated for such use. The proposal does not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests or infrastructure, and it does not result in unacceptable flood risk or road safety implications, subject to the stated conditions. The provision of a new building capable of accommodating a range of employment uses has potential to support economic activity in the area in a manner that is consistent with the council's land use strategy for the area. The proposal is compatible with relevant development plan policy and there are no material considerations that justify refusal.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, 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:

The proposal is in accordance with the development plan as it will provide a new building for employment related uses on land that is allocated for employment development in a manner that does not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests or infrastructure, and that does not result in unacceptable flood risk or road safety implications, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. Prior to the commencement of development the following shall be submitted to and approved in writing by the planning authority: -
 - (a) A scheme of landscaping and precise details of all boundary treatments at the site. Those details shall include details of new planting including species, number, and density of new planting stock. Thereafter, the landscaping and boundary treatments shall be provided in accordance with the approved scheme and all planting shall be completed in the first planting season following the initiation of the development hereby approved. Any plants or trees which within a period of five years from the first occupation or 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. Any approved fences, gates or walls shall be erected prior to any occupation or use of the building hereby approved.
 - (b) Precise details of the surface water drainage system to serve the development hereby approved. Thereafter the approved drainage system shall be completed prior to any occupation or use of the building hereby approved.
 - (c) Existing and proposed ground levels and floor levels relative to a fixed ordnance datum. Thereafter the building shall be constructed in accordance with the approved floor level and the approved ground levels shall be formed prior to any occupation or use of the building hereby approved.
 - (d) A plan demonstrating provision of visibility sightlines at the junction of the proposed site access point with the roadway within the wider employment area in accordance with the requirements of the National Roads Development Guide (SCOTS). Thereafter the approved visibility sightlines shall be formed before the commencement of any other development and within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.

Reason: In order that the planning authority may verify the acceptability of the specified matters and to ensure the development is undertaken in an acceptable manner having regard to visual amenity, biodiversity, drainage, flood risk, and road safety.

3. Prior to any occupation or use of the building hereby approved: -
 - (a) the section of roadway between the site access and its junction with the C1 Monikie to Barry road shall be completed in accordance with a relevant roads construction consent.

- (b) a minimum of three disabled parking spaces shall be provided within the site curtilage in accordance with the National Roads Development Guide (SCOTS) and shall be retained as such thereafter.

Reason: In order to ensure a satisfactory standard of road construction and associated infrastructure in the interests of amenity and safety of users and to ensure that suitable parking arrangements are provided in a timely manner.

4. No part of the development hereby approved shall be occupied for any use comprising the following activities, namely biomass combustion of greater than 50kw capacity, food manufacture, waste management, shot blasting or coating processes, unless an air quality impact assessment including odour assessment has been submitted to and approved in writing by the planning authority. The air quality assessment shall be based on a methodology which is agreed in advance with the planning authority. Any mitigation measures specified by the approved air quality assessment as being necessary for the control of emissions shall be fully implemented, maintained and operational at all times when discharges to atmosphere are being made.

Reason: In order that any atmospheric residential amenity impacts associated with biomass combustion, food manufacture, waste management, shot blasting or coating processes can be considered and mitigated as necessary in the interests of residential amenity.

5. Noise from use of any part of the development shall not exceed the noise limits shown in table A below as measured at any noise sensitive receptor in accordance with the accompanying notes.

Table A: Noise limits

Day	Time	Average Period (t)	Noise limit	Notes
Monday-Sunday inclusive	0700-1900	12 hour	55 dBA Leq †	1,2,5
Monday-Sunday inclusive	0700-1900	1 hour	Existing ambient Leq †	1,2,4,5
Monday-Sunday inclusive	1900-2300	4 hour	50 dBA Leq †	1,2,5
Monday-Sunday inclusive	1900-2300	1 hour	Existing ambient Leq †	1,2,4,5
Monday-Sunday inclusive	2300-0700	8 hour	45 dBA Leq †	1,2,5
Monday-Sunday inclusive	2300-0700	5 minutes	Existing ambient Leq †	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 within and around the site.

6. Noise associated with construction works including the movement of materials, plant and equipment shall not exceed the noise limits shown in table B below. At all other times noise associated with construction 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: Construction Noise limits

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

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

7. That the building hereby approved shall be used for uses falling within class 4, class 5, or class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other purpose unless otherwise permitted through the grant of planning permission following the submission of an application for planning permission. The 'potential future development' identified on the proposed site plan drawing number 4257/PD/01 Ver 1 is not approved.

Reason: For clarification and the avoidance of any possible misunderstanding.

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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APPENDIX 1: LOCATION PLAN
 APPENDIX 2: COMMUNITY COUNCIL REPRESENTATION
 APPENDIX 3: DEVELOPMENT PLAN POLICIES