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Council Building  
2 High Street  
Perth  
PH1 5PH

29/04/2024

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 08 May 2024** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Ian Massie (Convener)  
Councillor Grant Stewart (Vice-Convener)  
Councillor Keith Allan  
Councillor Bob Brawn  
Councillor Dave Cuthbert  
Councillor Ken Harvey  
Councillor David Illingworth  
Councillor Ian James  
Councillor Brian Leishman  
Bailie Claire McLaren  
Councillor Crawford Reid  
Councillor Richard Watters  
Bailie Mike Williamson



**Planning and Placemaking Committee**

**Wednesday, 08 May 2024**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
  - 3(i) MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 13 MARCH 2024 FOR APPROVAL** **5 - 42**  
(copy herewith)
  - 3(ii) MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 10 APRIL 2024 FOR APPROVAL** **43 - 52**  
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
  - 5(1) MAJOR APPLICATION**
    - 5(1)(i) 23/00504/FLM - MIXED USE DEVELOPMENT COMPRISING ERECTION OF 3 CAFÉ/RESTAURANT UNITS (CLASS 3) WITH DRIVE THRU FACILITIES, BUSINESS UNITS (CLASS 4), ELECTRIC VEHICLE CHARGING HUB AND FORMATION OF VEHICULAR ACCESS, PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS, LAND 90 METRES SOUTH OF 5 BROXDEN AVENUE (E2), PERTH** **53 - 88**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/145)

**5(2) LOCAL APPLICATION**

- 5(2)(ii) 23/00193/FLL - ERECTION OF OFFICE BUILDING (CLASS 4) AND TWO CAFÉ/RESTAURANT UNITS (CLASS 3) WITH DRIVE THROUGH FACILITIES, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, LAND 100 METRES SOUTH WEST OF 5 BROXDEN AVENUE, PERTH** 89 - 120  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/146)

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## PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 13 March 2024 at 9.30am.

Present: Councillors I Massie, G Stewart, K Allan, B Brawn, D Cuthbert, K Harvey, D Illingworth, I James, Bailie C McLaren, B Leishman, C Reid (from Item 5(1)(ii) onwards), R Watters and Bailie M Williamson.

In Attendance: L MacLean, S Panton, L Reid, K Smith and P Williamson (all Economy, Place and Learning); A Brown, C Elliott, J Guild and M Pasternak (all Strategy, People and Resources).

Councillor I Massie, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

### 2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

### 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 7 February 2024 were approved.

### 4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

<b>Planning Application No.</b>	<b>Item No.</b>
22/02194/FLM	5(1)(i)
23/00491/FLM	5(1)(ii)
23/00005/CONSUL	5(2)(i)
23/01353/FLL	5(3)(ii)
23/01665/FLL	5(3)(iii)

### 5. APPLICATIONS FOR DETERMINATION

#### (1) Major Applications

- (i) **22/02194/FLM - Change of use of agricultural land to form extension to existing leisure park, formation of internal access, parking, hardstanding, engineering works and landscaping, land 200 metres north east of Erigmore Caravan Site, St Mary's Road, Birnam (Report No. 24/71)**

Mr P Shannon, agent on behalf of the applicant, addressed the Committee and answered Members questions.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal comprises a significant new development which would a) not respect the character and appearance of the existing area, b) would require a new landscape setting to be introduced, with proposals set out not considered sufficient and c) would result in a visually incongruous development within the context of the surrounding area. The proposal is therefore contrary to Policy 1 (Placemaking), Policy 8 (Rural Business and Diversification (criteria (c)) and Policy 9B (Caravan Sites, Chalets and Timeshare Developments) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's statutory supplementary planning guidance on Placemaking (2020), as the development would not be compatible with the existing surrounding land uses, and would have an adverse impact on the existing character and appearance of the surrounding area.
2. The scale and nature of the development is neither compatible or in keeping with the surrounding area. Accordingly, the proposal is contrary to Policy 29(b) (Rural Development) and Policy 26(d)(ii) (Business and Industry) of the National Planning Framework 4 (2023), both of which only support new developments which are compatible and in keeping with the existing surrounding areas.
3. As the site is a) not allocated for development and b) not explicitly supported by policies in the Local Development Plan, the proposal is contrary to Policy 9 (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023) which only permits new development on greenfield sites in certain instances.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

COUNCILLOR C REID JOINED THE MEETING AT THIS POINT.

- (ii) **23/00491/FLM - Formation of leisure development comprising erection of 124 holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome stances, SUDS ponds, treatment plant, parking, landscaping and associated works, Whinstone Quarry, Devonshaw, Powmill (Report No. 24/72)**

Ms N Marchant, objector on behalf of Fossoway District Community Council, Ms C Pleass, objector and Mr K Davidson, on behalf of Devonshaw Leisure Ltd and Mr J McCallum, agent on behalf of the applicant, addressed the Committee and answered Members questions.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. No development shall commence until a detailed phasing and delivery plan confirming the programmed delivery of the site including the siting of the lodges, glamping pods, landscaping/planting, community hub (including Aires) and construction works has been submitted and approved in writing by the Council as Planning Authority. Once approved, the development shall be implemented in accordance with the agreed delivery plan.  
Reason - In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.
4. The infrastructure required to service the Aires shall be implemented and maintained in accordance with the approved details shown on drawing numbers 71 and 78 to the satisfaction of the Council as Planning Authority. The details as approved shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason - to ensure adequate delivery of infrastructure.
5. Prior to the commencement of the development hereby approved, full visibility splays of 215 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres to the standard and specification required by the Council as Roads Authority

to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated out with the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

6. Prior to the commencement of development, a detail design showing the vehicle access onto A977 public road with the following schemes shall be provided for:
  - a. Ghost island right turning facility.
  - b. Full visibility splays of 215 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres to the standard.
  - c. Road markings.
  - d. Bus boarders at and opposite the vehicle access with suitable hard standing area for bus shelters with a 24/7 electrical power supply to a Haldo pillar adjacent to the hard standing. Dropped kerbs will be provided on both sides of the road to link the bus boarders.
  - e. Outfall details, to include the headwall details, manholes and pipe location.
  - f. Drainage proposals to prevent water discharge onto the A977.
  - g. A pedestrian crossing island on the A977 in the vicinity of the proposed bus stops.

All of the above shall be submitted to and approved in writing by the Council as Planning Authority. The submission will confirm the road layout along the A977. The scheme for the approved shall thereafter be implemented in full, prior to the commencement of construction works on site to provide a safe access and egress to the site.

Reason - In the interests of road, pedestrian safety and connectivity with the residential developments to the north and northwest of the development.

7. Prior to the occupation of the first lodge, the developer shall provide and install bus shelters at and opposite the site entrance on appropriate hard standing asphalt areas, each with a 3 bay cantilever bus shelter supplied and installed with passenger information board, LED spotlights (one per bay), a 28in Ultra-Wide Display Screen for Real Time Passenger Information installed on the approach side of the shelter and a 24/7 electrical power supply to a Haldo pillar adjacent to the shelter to provide power for the LED lighting and Real Time



Passenger Information display. The design and specification shall be to the satisfaction of the Council as Planning Authority, in consultation with Perth & Kinross Council's Public Transport Unit.

Reason - In the interest of sustainable travel.

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- a. restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
- b. timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events.
- c. a code of conduct for HGV drivers to allow for queuing traffic to pass.
- d. arrangements for liaison with the Roads Authority regarding winter maintenance.
- e. emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown.
- f. arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road.
- g. arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.
- h. arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians.
- i. details of information signs to inform other road users of construction traffic.
- j. arrangements to ensure that access for emergency service vehicles are not impeded.
- k. co-ordination with other significant developments known to use roads affected by construction traffic.
- l. traffic arrangements in the immediate vicinity of temporary construction compounds.
- m. monitoring, reporting and implementation arrangements.
- n. arrangements for dealing with non-compliance; and
- o. details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

9. Prior to commencement of any development on site, a detailed design of the proposed footpath and footway (as illustrated on drawings 74 and 75), showing the location, specification and cross section, shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to ensure that a positive flow of water is maintained in existing drainage ditches. The footpath and footway, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the occupation of the first lodge or pod.  
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
10. Prior to the commencement of works on site, detailed drawings showing waste and recycling bin storage locations and strategy for presenting the waste for collection, shall be submitted for the written agreement of the Council as Planning Authority. None of the lodges or pod units hereby approved shall be occupied until the agreed scheme has been provided in full.  
Reason - In the interests of road safety to prevent long reversing manoeuvres.
11. Prior to the installation of the lodges and pods, a finalised design for the cycle lockers shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle lockers, as approved in writing, shall be implemented and permanently maintained thereafter in accordance with the approved details to the satisfaction of the Council as Planning Authority and installed prior to the occupation of any lodge or pod cluster.  
Reason - To encourage active travel and meet advice within National Planning Framework 4 on transport.
12. Prior to the occupation of each lodge hereby approved being completed or brought into use, a minimum of two car parking spaces shall be provided at each lodge.  
Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.
13. Prior to the occupation of each glamping pod hereby approved being completed or brought into use, a minimum of one car parking space shall be provided at each glamping pod.  
Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.
14. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be

implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

15. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed decking(s) and any hot tubs shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the relevant unit, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

16. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

17. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of process to be undertaken shall be installed and operated such that odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the residential amenity of the area.

18. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In order to safeguard the residential amenity of the area.

19. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the planning authority. The plan shall include all sources of noise associated with the premise, including user noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason - In order to safeguard the residential amenity of the area.

20. Servicing of and deliveries to the site shall be carried out between 0700 and 1900 Monday to Sunday.  
Reason - In order to safeguard the residential amenity of the area.
21. Prior to the commencement of any hereby approved development, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.  
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
22. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site (including proposed phasing) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be updated to include a native hedgerow on the western boundary, adjacent to Lodges 25 and 26. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of each phase of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.  
Reason - In the interests of visual amenity and to protect the adjacent SSSI, and to ensure the satisfactory implementation of the proposed planting scheme.
23. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.  
Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
24. Prior to undertaking the operations prescribed within the approved Management Plan, at Year 1, 3, 5, 7, 9, & year 10, the applicant shall notify the Planning Authority in writing, in order to assess the thinning, planting and weed control operations, as prescribed within the approved Tree and Woodland Management Plan by Urban - Arb Arboricultural Consultants (Sep 2023) (drawing number 65) & FinLand Proposed Development Devonshaw

Quarry - Landscape Planning (Oct 2023) (drawing number 69).

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

25. The conclusions and recommended action points within the supporting Ecological Impact Assessment (including Addendum) submitted and hereby approved (document(s) 39 and 66 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

26. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP), Environmental Management Plan (EMP). Proposed measures for bog restoration methods, monitoring and ongoing long-term aftercare and maintenance shall be included. Measures to ensure the public road network is kept free from mud or debris shall also be required. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of protecting environmental quality and of biodiversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

27. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the

proposed development. The ECoW shall have responsibility for the following:

- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (c) Prior to the commencement of development, they shall provide an environmental/ecological tool box talk for construction staff.
- (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason - To avoid habitat damage and safeguard natural heritage interests.

28. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

29. Prior to the commencement of development detailed plans for nighttime lighting of the proposed development shall be submitted for the approval of the Planning Authority. These plans should be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

30. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

31. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

32. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

- Reason - In order to clarify the terms of the permission; to control and restrict the use of the site.
33. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development (Scotland) Order 1992 or any order amending, revoking or re-enacting that order, the proposed lodges shall not be extended or altered in any way, not any building or means of enclosure erected within the curtilage of any lodge without an express grant of planning permission from the Planning Authority.
- Reason - In the interest of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.
34. Prior to the commencement of development, a recreation plan shall be submitted for the approval of the Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
- Reason - In the interests of ensuring suitable public access and recreation.

#### **Justification**

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

#### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council



- prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
  6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
  7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  8. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
  9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
  10. Part of the approved development includes 'caravans'. The developer is advised that caravans require to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore a licence application should be made to Environmental Health. Application forms are available at <https://www.pkc.gov.uk/article/15600/Licence-caravan-site>.
  11. The applicant is advised that if any works are required within the SSSI in relation to drainage from the proposal site, permission from SEPA and/or consent from NatureScot may be required in addition to any planning permission.
  12. The applicant is advised that any proposed signage will require a further application to be submitted for

advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

13. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
14. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to Biodiversity/Tree/Woodland/Roads/Foul/Water/ASHP/Visuals.
15. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

THERE WAS A 10 MINUTE RECESS, THE COMMITTEE RECONVENED AT 11.50AM.

## **(2) Energy Consent Unit Application**

### **(i) 23/00005/CONSUL - Erection of a 900MW Battery Storage System and associated infrastructure, Haughend Farm, Meikle, Blairgowrie, PH12 8RJ (Report No. 24/73)**

Councillor C Stewart, Local Member, and Ms A Ellis, agent on behalf of the applicant, addressed the Committee and answered Members questions.

Mr S Panton, Team Leader, Major Developments, advised Committee that the ECU advised Perth and Kinross Council this week that the capacity of the plant will change from 450MW to 900MW. Mr Panton further advised there is no change to any infrastructure or plans before Committee.

**Resolved:**

Offer no objection to the proposal and request the imposition of the following suggested conditions:

**Suggested Conditions**

1. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on all structures and any hard landscaping shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use any part of the development, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.
2. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.  
Reason - To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.
3. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.  
Reason - To safeguard any archaeological interest of the site.
4. Prior to the commencement of the development hereby approved, protective fencing shall be erected around

SM7263 / MPK4865 incorporating an appropriate buffer, insofar as the land lies within the control of the applicant and/or developer, in a manner and for a time period to be agreed in writing in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with PKHT. Reason - To ensure the preservation of the historic environment safeguard the identified Scheduled Monument within and adjacent to the site boundaries.

5. Prior to the commencement of development, an updated ecological survey in the form of an Ecological Impact Assessment (EclA) be submitted and agreed in writing by the Planning Authority.

Reason - In the interests of protecting and enhancing biodiversity.

6. Prior to the commencement of development, a Species Protection Plan for Osprey be submitted and agreed in writing by the Planning Authority.

Reason - In the interests of protecting and enhancing biodiversity.

7. Prior to the commencement of development, a detailed Landscaping Plan including details of biodiversity enhancement measures shall be submitted and agreed in writing by the Planning Authority.

Reason - In the interests of protecting and enhancing biodiversity.

8. A minimum of two months prior to the commencement of development, a site specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP) and Environmental Management Plan (EMP). A detailed compound layout which sets out measures to ensure the public road network is kept free from mud or debris shall also be included. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of protecting environmental quality and of bio-diversity. To minimise any associated

adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

9. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:
- (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
  - (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
  - (c) Prior to the commencement of development, they shall provide an environmental / ecological tool box talk for construction staff.
  - (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
  - (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
  - (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
  - (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, (including reinstatement and de-commissioning of the construction compounds) hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason - To avoid habitat damage and safeguard natural heritage interests.

10. In the event that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ an independent and suitably qualified consultant to carry out a Noise Assessment from the development. The appointed consultant and methodology for the Noise Assessment shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health within 28 days of being notified of the complaint. Within 28 days of approval of appointed consultant and methodology, a Noise Assessment shall be submitted outlining mitigation and recommended timescales for delivery. Thereafter, all mitigation measures shall be implemented within the timescales recommended.

- Reason - In the interests of protecting residential amenity.
11. Prior to the battery storage facility being brought into use, all noise mitigation measures outlined in Section 8.2 and Appendix A of the Noise Impact Assessment undertaken by Neo Environmental Ltd, dated 04/10/2022 shall be implemented in full.

- Reason - In the interests of protecting residential amenity.
12. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

- Reason - In the interests of protecting residential amenity.
13. Notwithstanding any requirement or restriction under Condition 6, construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

- Reason - In the interests of protecting residential amenity.
14. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

- Reason - In the interests of protecting residential amenity.
15. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority, a plan showing the upgrading of the section of road from the substation to Haughend Farm with passing places. The works for the agreed upgrading of the road shall be completed in full prior to the commencement of works.

Reason - In the interests of road safety and adequate site access.

16. Trees remaining on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction and be identified on the Construction Exclusion Zone (CEZ) Plan within the Construction Environment Management Plan (CEMP), in association with Condition 8. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

With local sources indicating flooding precedent in the area, including following extreme weather events of October 2023, it is suggested that local consultation is undertaken prior to the commencement of development to assist with assessment and design.

#### **Justification**

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

THERE WAS A RECESS FOR LUNCH. THE COMMITTEE RECONVENED AT 1.40PM.

### **(3) Local Applications**

- (i) **23/01255/FLL - Siting of mobile crushing and screening plant (for a temporary period), Newtyle Farm, Dunkeld, PH8 0HZ (Report No. 24/74)**

It was noted that this application had been withdrawn from this agenda.

- (ii) **23/01353/FLL - Upgrading works affecting filter beds, structures and access roads and engineering and associated works, Glenfarg Water Treatment Works, The Reservoir, Glenfarg, Perth, PH2 9QL (Report No. 24/75)**

Mr D Fraser, objector on behalf of Glenfarg Community Council, Mrs Low, objector, and Mr M McIlvaney and Ms C Souter-Bell, on behalf Scottish Water, addressed the Committee and answered Members questions.

Paul Williamson, Team Leader recommended that, if the application is granted, condition 6 be revised to include

reference to planting failing to become fully established within 5 years.

THERE WAS A 5 MINUTE RECESS

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority and the Environmental Health Team. The plan shall include procedures, monitoring and mitigation measures for the control of noise, vibration, and dust at the construction stage of the development.  
Reason - In order to safeguard the neighbouring residential amenity in the area.
4. Prior to commencement of any development on site, a detailed design showing all passing places, including current and those to be constructed or upgraded, with the proposed construction works, cross sections, specifications and signage of the passing places on both the public road network and private road shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to ensure that a positive flow of water is maintained in the existing drainage ditches. The passing places shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and shall be undertaken prior to the commencement of construction associated with this planning application.  
Reason - In the interests of pedestrian and traffic safety.
5. Prior to the commencement of the development hereby approved, an updated Construction Traffic Management Scheme (TMS) shall be submitted to and approved by the Council as Planning Authority, in consultation with the



Roads Authority (Structures). The updated TMS shall include the following (confirming the location, specification and timescale for installation of each measure):

- (a) Speed Reduction Measures;
- (b) Road Traffic Signage, including solar signage;
- (c) Bailey Bridge to be constructed over Glendy Mill Bridge Category C Listed Structure;
- (d) Anti-skid surfacing;
- (e) Improvements to Lay-by Development for Escort Vehicles & HGVs;
- (f) Parking restrictions;
- (g) Vegetation Clearance;
- (h) Verge Improvements;
- (i) Crossing Officer for the junction of Greenbank Road/Ladeside/Duncreevie Road/Church Brae (operational duration, daily times and operational location);
- (j) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction; and
- (k) Report on consultation undertaken on all aspects of this updated TMS with local elected members and Glenfarg Community Council.

The measures shall be implemented prior to the dates agreed and approved in writing by the Planning Authority, in consultation with the Roads Authority.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

6. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

7. The plans and particulars submitted in accordance with condition 7 above shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
  - (b) in relation to every tree identified a schedule listing:
    - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
    - ii. any proposed pruning, felling or other work; and
  - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
    - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
    - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
  - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

8. Prior to the commencement of the development hereby approved, a Scheme of Proposed Biodiversity Enhancement shall be submitted to and approved by the Council as Planning Authority. The approved Scheme shall be implemented prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

9. Prior to the commencement of the development, a maintenance agreement under Section 96 of the Roads

(Scotland) Act 1984 shall be entered in to. Confirmation of this agreement being in place shall be provided to the Council, as Planning Authority, a minimum of two weeks prior to the commencement of development. The maintenance agreement shall be in respect of the:

- B996
- Ladeside
- C414

These roads shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth & Kinross Council.

Reason - In the interests of road safety

10. The measures identified in the Flood Risk Assessment (Document 33 relates) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented shall be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

11. The conclusions and recommended action points within the supporting Ecological Constraints Survey, Beaver Survey and Bat Survey submitted and hereby approved (document(s) 36, 42 and 44 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

12. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

13. The sound pressure limits as presented in Section 8.4 of the Noise Impact Assessment (Document 35 relates) hereby approved shall be adhered to and the recommended noise mitigation measures in section 8.6 of the approved document shall be incorporated into ongoing detailed design and coordination to ensure compliance with Condition 12 of this planning permission.

Reason - In order to safeguard the neighbouring residential amenity in the area.

14. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In order to safeguard the neighbouring residential amenity in the area.

15. In the event that justified complaints regarding noise are received by the Council, the applicant, unless otherwise agreed with the Planning Authority, shall at their own expense employ a consultant approved by the Planning Authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment will be carried out to an appropriate methodology agreed with the Planning Authority and the results of the assessment will be submitted to the Planning Authority within 28 days of the assessment.

Reason - In order to safeguard the neighbouring residential amenity in the area.

16. Deliveries in relation to the construction site shall be carried out between 0800 and 1800 Monday to Friday only, with no construction deliveries permitted on Saturdays and Sundays. Construction deliveries shall be timed to minimise the impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, or during local events.

Reason - In the interests of road safety.

### **Justification**

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

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant should take note of the information and advice contained within the consultation response from SEPA.
7. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to information regarding biodiversity and transport.
8. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

(iii) **23/01665/FLL - Erection of a wind turbine (up to 2.3MW), formation of access track, hardstanding and construction compound, and associated works, Simon Howie Butchers, Findony Farm, Dunning, Perth, PH2 9RA (Report No. 24/76)**

Mr C Young, objector on behalf of Dunning Community Council, Dr G Gardner, objector, M S Howie, applicant and Mr R Collin and Ms R Lyall, agent, addressed the Committee and answered Members questions.

Motion (Councillors I James and C Reid)

**Refuse**, as the proposal is contrary to:

- (1) NPF4 (2023) Policy 11(e)(ii): Energy, and Perth and Kinross Local Development Plan 2 (2019) Policy 33A: New Proposals for Renewable and Low-Carbon Energy, due to significant adverse landscape and visual impact of the proposal on Dunning and the wider area, beyond that which is appropriate; and
- (2) NPF 4 (2023) Policy 7(d): Historic Assets and Places, and Perth and Kinross Local Development Plan 2 (2019) Policy 28A: Conservation Areas New Development, as due to the significant adverse landscape and visual impact, the proposal does not preserve or enhance Dunning Conservation Area.

**Amendment (Councillor R Watters and Bailie M Williamson)**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. For the avoidance of doubt the wind turbine model hereby approved is limited to that specified in the submission (Enercon E70 E4 2.3MW machine with a 69m hub height and a 70m rotor diameter) and which has informed all supporting information and assessment by the Planning Authority, particularly that related to noise, shadow flicker and visual impact. No other turbine shall be installed

without a further grant of planning permission, the assessment of which will review any changes in material planning considerations.

Reason - In the interests of ensuring that the impacts of the development have been accurately assessed and that planning conditions remain relevant to the development implemented.

4. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

5. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) and Pollution Prevention Plan (PPP) detailing environmental mitigation measures and site-specific construction method statements, has been submitted for the further written agreement of the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) as required. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of proper site management.

6. The wind turbine, buildings, areas of hardstanding and tracks shall be constructed in the location shown on the approved plans or as per the micro-siting allowances granted by this condition.

Unless otherwise approved in advance in writing by the Planning Authority micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum, than the position shown on the approved plans;
- b. No wind turbine, building, mast or hardstanding shall be moved more than 10 m from the position shown on the original approved plans;

No later than one month after the date of First Commissioning, if required, an updated site plan must be submitted to the Planning Authority showing the final position of the wind turbine, and associated infrastructure forming part of the development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the Planning Authority's approval.

Reason - To minimise environmental impacts while taking account of the need to site infrastructure according to local ground conditions.

7. Prior to the commencement of development hereby approved, a Soil Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction of the development.

Reason - In the interest of proper site management

8. Prior to the commencement of any development on site, precise colour details of the turbine components, and details of cabling routing (which shall be underground where possible) shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall be implemented in full and thereafter retained for the duration of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

9. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12 Heritage Environmental Limited Simon Howie Butchers Wind Turbine: Ecological Impact Assessment October 2023) shall be fully adhered to, respected and undertaken as part of the construction and operation phase of the development, to the satisfaction of the Council as Planning Authority. This includes implementation of the proposed biodiversity enhancements listed on page 39 and 40 of the EIA which must be in place prior to the operation of the turbine.

Reason - In the interests of protecting environmental quality and of biodiversity.

10. An updated ecological impact assessment will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the



ecological impact assessment survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

11. The annual results from the three-year post-construction monitoring shall be reported to Biodiversity@pkc.gov.uk by 31st October each year.

Reason - To ensure that the impact on biodiversity from the development is monitored and recorded.

12. No structure or tower may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP (Instrument Flight Procedure) Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Definitions:

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Edinburgh Airport.

"IFP Assessment" means a safeguarding assessment against current and any possible future IFPs. This assessment must be undertaken by a UK CAA Approved Procedure Design Organisation (APDO).

Further information on IFP Safeguarding and a quote for this assessment can be obtained by contacting [safeguarding@edinburghairport.com](mailto:safeguarding@edinburghairport.com).

Reason - In the interests of aviation safety.

13. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Perth & Kinross Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason - In the interests of aviation safety.

14. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason - In the interests of aviation safety.

15. Prior to the commencement of the development hereby approved, full visibility splays of 215 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

16. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- arrangements to ensure that access for emergency service vehicles are not impeded; and
- details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management

17. For all properties without any financial involvement, noise emanating from the turbine during nighttime (as defined in ETSU-R-97 as 23:00 to 07:00 on all days) shall not exceed LA90, 10 mins 35dB(A) or the ETSU-R-97 derived night hours noise limit of LA90, 10 mins +5 dB(A) above background whichever is the greater. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise level.

Reason - In order to safeguard the residential amenity of the area.

18. For all properties without any financial involvement, noise emanating from the wind turbine at any other time than defined in condition above shall not exceed an L A90, 10 min of 35 dB at noise sensitive properties at wind speeds not exceeding 10m/s and measured at a height of 10m above ground at the wind turbine site, or the ETSU-R-97 derived 'quiet waking hours noise limit of LA90, 10 mins +5dB above background, whichever is greater. In the event that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise level.

Reason - In order to safeguard the residential amenity of the area.

19. For all properties with any financial involvement, noise emanating from the turbine during nighttime (as defined in ETSU-R-97 as 23:00 to 07:00 on all days) shall not exceed LA90, 10 mins 45dB(A) or the ETSU -R - 97 derived night hours noise limit of LA90, 10 mins +5 dB(A)

above background whichever is the greater. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise level.

Reason - In order to safeguard the residential amenity of the area.

20. For all properties with any financial involvement, noise emanating from the wind turbine at any other time than defined in condition above shall not exceed an L A90, 10 min of 45 dB at noise sensitive properties at wind speeds not exceeding 10m/s and measured at a height of 10m above ground at the wind turbine site, or the ETSU-R-97 derived 'quiet waking hours noise limit of LA90, 10 mins +5dB above background, whichever is greater. In the event that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.

Reason - In order to safeguard the residential amenity of the area.

21. Mitigation measures in the form of Reduced Power mode outputs as outlined in Section 8.8.2 of The Supporting Statement Ref C5726-1426 Section 8 v2 dated 19 December 2023 which was undertaken by Greencat Renewables shall be implemented in full for the life time of the development.

Reason - In order to safeguard the residential amenity of the area.

22. Prior to the development hereby approved being brought into use, and electricity generated, the wind turbine operator shall submit a list of proposed independent consultants (who may undertake compliance measurements in accordance with the above conditions) for the written agreement of the Planning Authority. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

23. Prior to the operation of the turbine a shadow flicker management plan shall be submitted to, and approved in writing by, the Planning Authority. Within the plan the applicant shall identify the range of residential properties that can be remotely monitored for a period of one year from the commissioning, and subsequent operation, of the turbine to study the effect that shadow flicker could have on residential amenity. The plan shall also include mitigation measures to ensure that shadow flicker can be mitigated to an acceptable level should justified complaints be received following the operation of the turbine and details of a practical procedure to remediate any shadow flicker that are capable of being implemented by the applicant in the event of a justified complaint being

registered by the Planning Authority using mitigation measures detailed in the shadow flicker management plan.

Reason - In order to safeguard the residential amenity of the area.

24. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of Institute of Acoustics' Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Reason - In order to safeguard the residential amenity of the area.

25. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the Institute of Acoustics' Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise Guidance Notes. The written request from the local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason - In order to safeguard the residential amenity of the area.

26. Within six months of the wind turbine being decommissioned the owner shall submit a scheme for the removal of the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition. Thereafter the scheme as subsequently approved in writing by the Planning Authority shall be implemented in complete accordance with the details as so agreed.

Reason - To ensure the turbine is removed from the site at the end of its operational life, and to protect the visual amenity of the area.

### **Justification**

The proposal is not in full accordance with the Development Plan however there are material reasons which justify departing

from the Development Plan. There are significant benefits that renewable energy generation will bring to the wider business and its net zero ambitions, that accord with NPF4 Policy 11, Energy, 33A Renewable and Low Carbon Energy: New Proposals for renewable and low carbon energy. These considerations have been balanced against the wider impacts, arising from the proposal due to the scale of the turbine and its location in close proximity to the historic settlement of Dunning and other visual receptors of note.

On balance, the contribution of the proposal to the reduction of carbon emissions and to the Scottish Government net zero targets are considered to outweigh the adverse landscape and visual impacts and the impact on the setting of historic assets.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. An application for Building Warrant may be required.
4. The developer is advised to contact Grace Woolmer-White Historic Environment Officer (tel 01738 477056) Perth and Kinross Heritage Trust, to discuss terms of reference for works required and, if necessary, prepare for them written Terms of Reference.
5. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the submission of a Drainage Impact Assessment.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us

at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

In terms of Standing Order 21.5 a roll call vote was taken.

2 members voted for the Motion as follows:  
Councillors I James and C Reid.

11 members voted for the Amendment as follows:  
Councillors K Allan, B Brawn, D Cuthbert, K Harvey, D Illingworth, B Leishman, I Massie, Bailie C McLaren, G Stewart, R Watters and Bailie M Williamson.

**Resolved:**  
In accordance with the Amendment.

(iv) **23/01876/FLL - Change of use of building to dwellinghouse and associated works, land 15 metres south east of Woodbine Cottage, Duncricvie, Glenfarg (Report No. 24/77)**

**Resolved:**  
**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to

BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

4. Prior to the commencement of any works on site a Method Statement for work within any of the Root Protection Areas (RPAs) of the existing trees shall be submitted for the agreement of the Planning Authority. Work within the RPAs shall be undertaken in accordance with the agreed Method Statement.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

5. Development shall not commence on site until details of foul and surface water drainage systems have been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The surface water drainage scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

6. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 08 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

7. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason - In order to prevent animals from being trapped within any open excavations.



8. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.  
Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

### **Justification**

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

### **Procedural Notes**

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should ensure they familiarise themselves with the legislative requirements under the Controlled Activities Regulations. More detail on this is provided in section 2 of SEPA's Standing Advice document which is online at [sepa-triage-framework-and-standing-advice.pdf](http://sepa-triage-framework-and-standing-advice.pdf).

5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

## 6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **23/00020/PAN - Formation of a 49.9MW Battery Energy Storage System (BESS) and ancillary infrastructure, land 256 metres south west of Taigh An Struith, Tibbermore, Perth (Report No. 24/78)**

Councillor D Illingworth requested due consideration to the visual impact of the battery storage containers, the use of agricultural land and arrangements for the restoration of the land at the end of use of the containers.

Bailie M Williamson requested due consideration be given to a traffic management plan and appropriate lighting.

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.

## PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 10 April 2024 at 9.30am.

Present: Councillors I Massie, G Stewart, Bailie C Ahern (substituting for Councillor B Brawn), K Allan, Bailie R Brock (substituting for Councillor D Cuthbert), K Harvey, D Illingworth, I James, Bailie C McLaren, B Leishman, C Reid, R Watters and Bailie M Williamson.

In Attendance: A Baxter, D Littlejohn, L MacLean, S Panton, L Reid, K Smith and P Williamson (all Economy, Place and Learning); A Brown, S Dockerill, G Fogg, J Guild and (all Strategy, People and Resources).

Apologies: Councillors B Brawn and D Cuthbert.

Councillor I Massie, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

### 2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

### 3. MINUTES

It was noted that the minute of meeting of the Planning and Placemaking Committee of 13 March 2024 would be brought to the next meeting for approval.

### 4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

<b>Planning Application No.</b>	<b>Item No.</b>
23/01255/FLL	5(1)(i)
22/01868/FLL	5(1)(ii)
24/00043/FLL	5(1)(iii)

### 5. APPLICATIONS FOR DETERMINATION

#### (1) Local Applications

- (i) **23/01255/FLL - Siting of mobile crushing and screening plant (for a temporary period), Newtyle Farm, Dunkeld, PH8 0HZ (Report No. 24/109)**

Mr K Smith introduced the report and provided the following updates:

- Paragraph 51 – the word “insert” should read “inert”
- The final sentence of Paragraph 66 is incomplete but the issue is no longer relevant.

Mr A Wylie and Dr J Wigzell, on behalf of Dunkeld and Birnam Community Council, objectors, followed by Mr W Booth agent on behalf of the applicant, addressed the Committee and answered Members questions.

In terms of Standing Order 19.9 Councillor G Laing addressed the Committee and took part in questions to Officers.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

1. Permission is hereby granted for a limited period of 2 years from the lawful commencement of development. Prior to the end of this 2-year period, the use of the approved plant and machinery shall cease, and all associated equipment removed from the site.  
Reason - In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. Noise from any plant and machinery associated with this development shall be controlled so that noise levels do not exceed 55dB LAeq, 1 hour (free field) at any adjacent dwellinghouse.  
Reason - To ensure a satisfactory standard of local environmental quality.
4. Prior to the commencement of the development hereby approved, confirmation of the model of both crusher and screener shall be submitted to and approved in writing by the Council as Planning Authority. Any change from the approved model(s) shall be approved in writing with the Council before being brought into site. All plant and equipment shall thereafter be operated and maintained according to the manufacturer's recommendations. This includes all necessary servicing and the provision of satisfactory exhaust systems to ensure that noise emissions are minimised. Records regarding all services and modifications made to all plant and equipment shall

be kept on site and shall be available for inspection by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality.

5. The hours of operation of the plant and equipment hereby approved shall be limited to 0700 hours to 1900 hours Monday to Friday and 0800 to 1300 on Saturdays, with no operation on Sunday.

Reason - To ensure a satisfactory standard of local environmental quality.

6. Prior to the commencement of the development hereby approved, a Dust Management Plan must be submitted to and approved in writing by the Council as Planning Authority. The plan must include adequate precautions to ensure that all times and at all stages of the process (including reinstatement), dust generation on the site and outwith, is minimised by implementing agreed dust prevention measures e.g. wheel washing facilities. The plan shall also provide details of future monitoring and reporting on the successfulness of the plan. The approved plan shall thereafter be implemented in full.

Reason - To ensure a satisfactory standard of local environmental quality

#### **Justification**

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

#### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

THERE FOLLOWED A 10 MINUTE RECESS AND THE COMMITTEE RECONVENED

(ii) **22/01868/FLL - Change of use, alterations and extension to workshop to form dwellinghouse, Rowan, Garth, Fortingall (Report No. 24/110)**

Ms S Dolan-Betney, Glenlyon and Loch Tay Community Council (via telephone) and Ms J Polakowska, objectors, followed by Mr D Sturrock and Ms K McQueen, agents on behalf of the applicant, accompanied by Mr J Brown, applicant, addressed the Committee and answered Members questions. A statement was also read out by the Clerk on behalf of Mr T Young, objector.

Motion (Baillie M Williamson and Councillor R Watters)

Refuse, on the grounds that the Mansard roof design is not of a traditional Scottish approach and is therefore contrary to Local Development Plan 2 (2019) Policies 1A and 1B: Placemaking and Policy 17: Residential Areas.

Amendment (Councillors I James and D Illingworth)

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
3. Prior to the commencement of the development hereby approved, an evaluation for the potential of the site to be affected by contamination by a previous use, which includes as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) shall be submitted to and approved in writing by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently approved by the Council as Planning Authority. Verification that the scheme has been fully implemented must be submitted to and approved in writing by the Council as Planning Authority.

Reason - In order to ensure the site is fit for the residential use proposed.

- 4. The mitigation and recommendations contained in the Bat and nesting bird survey, approved as Plan no 17 shall be implemented in full during the construction phase and on completion of the development. For the avoidance of doubt, a minimal of 2 bird nesting boxes shall be installed within the curtilage of the site, and shall be sited and installed in line with the guidance of the Scottish Wildlife Trust.

Reason - In order to ensure that all bio-diversity interests are suitability addressed.

- 5. The rooflights on the east elevation serving the master bedroom and en-suite of Bedroom 3 shall either be frosted, obscure or opaque glass in perpetuity.

Reason - In order to protect existing residential amenity.

#### **Justification**

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

#### **Informatives**

- 1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
- 2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

In terms of Standing Order 21.5 a roll call vote was taken.

3 members voted for the Motion as follows:

Councillors C Reid, R Watters and Bailie M Williamson

10 members voted for the Amendment as follows:

Bailie C Ahern, Councillor K Allan, Bailie R Brock, Councillors K Harvey, D Illingworth, I James, B Leishman, I Massie, Bailie C McLaren and Councillor G Stewart.

**Resolved:**

In accordance with the Amendment.

**(iii) 24/00043/FLL - Erection of a dwellinghouse and associated work, land 50 metres west of Ruchilside Farm, Comrie, Crieff (Report No. 24/111)**

Ms S Waldron, objector, followed by Mr M Wallace, applicant, addressed the Committee and answered members questions.

In terms of Standing Order 19.9 Councillor S Donaldson addressed the Committee and took part in questions to Officers.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall



include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved. Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

5. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

6. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- I. the nature, extent and type(s) of contamination on the site;
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed;
- III. measures to deal with contamination during construction works; and
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

7. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
  - a) the technology types;
  - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
  - c) their siting and location; and
  - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason - To ensure the proposal complies with LDP2 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development.

8. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted to and approved in writing by the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

9. The core path which forms part of the access track to the site shall not be obstructed during building works or on completion. Any damage done to the core path and associated signage during building works shall be made good before occupation of the dwellinghouse. Any temporary restrictions to public access required to facilitate works on site must be agreed and approved in writing first with the Access Officer.

Reason - In the interests of public access along the core path.

10. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason - In order to take account of the flood risk from the adjacent watercourse.

11. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, two bird nesting boxes shall be provided on the completed building or nearby trees. Thereafter, the agreed scheme

shall be maintained in a reasonable condition for the life of the development.

Reason - In the interests of protecting environmental quality and of biodiversity.

### **Justification**

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

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant should take note of the information and advice contained within the consultation response from the Scottish Environment Protection Agency (SEPA).
7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
8. The Council has two months to consider the information. You should therefore submit the required information

more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

## 6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **23/00019/PAN - Mixed use development comprising residential, self-build plots, commercial use workshops, associated infrastructure including access, draining and landscaping, land 165 metres south west of Haughend Farm, Dunkeld (Report No. 24/112)**

Councillor D Illingworth requested due consideration be given to the long term maintenance of SUDS ponds.

Bailie C McLaren requested due consideration be given to the scale, design and layout in relationship to nearby lands, transport implications and the tourism and economy benefits.

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.

- (ii) **24/00001/PAN - Formation of 400kV substation comprising erection of ancillary buildings, hardstanding, plan and machinery access laydown/work compound area(s) and associated works, Shindour, Feddal Hill Wood, Braco (Report No. 24/113)**

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.

Perth and Kinross Council  
Economy, Development and Planning Committee – 8 May 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/145)

<b>PROPOSAL:</b>	Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works
<b>LOCATION:</b>	Land 90 metres south of 5 Broxden Avenue (E2), Perth

Ref. No: [23/00504/FLM](#)  
 Ward No: P10- Perth City South

### Summary

This report recommends **approval** of the application, subject to conditional control and subject to securing of transport contributions, via a S75 or other suitable mechanism. The proposal is considered to be a departure from the development plan however there are material considerations which justify this departure. In addition, as there is an objection from SEPA the application, if approved, would require to be notified to Scottish Ministers.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The site is located within the Broxden area in the south west of Perth on an allocated employment site (E2) in the Perth & Kinross Local Development Plan 2. The land itself is accessed from Broxden Avenue, which connects to the A93 a short distance to the north. The site slopes down fairly consistently from south to north. Broxden Avenue currently serves a number of existing transport related services in the wider locale, including a hotel, restaurant, drive thru food and drink outlet, petrol filling station, and a park and ride facility.
2. The application site is located approximately 200 metres east of the Broxden Roundabout, a significant traffic junction that connects the M90(T), the A9(T), and the A93. The site and its surroundings are an important strategic transport intersection within Perth and Kinross providing excellent transport connections to all major Scottish Cities. Accordingly, the character of the immediate surrounding area is typical to that of an established transport services area adjacent to the trunk road network.
3. To the north of the application site lies part of the existing Broxden Service Area, with a hotel (Travelodge), restaurant (Harvester), and fast-food restaurant with drive thru (McDonald's). A short distance to the northeast lies a petrol filling station facility (BP), with 10 pumps (including 2 for HGVs), a HGV parking and rest area and a

kiosk building with ancillary convenience store (Londis) and food to go element (Subway). Directly to the east is the Broxden park and ride area, which provides a large amount of parking and bus stops, with regular services in Perth City Centre and intercity services to other destinations across Scotland.

4. A core path connects to the east, dividing the site from the park and ride. This connects Broxden Avenue with the south side of the M90 via a bridge to the southeast corner of the site. The M90 itself runs parallel to the southern boundary as it approaches/leaves the Broxden Roundabout. There is an area of undeveloped land to the west beyond which is the Broxden Roundabout.
5. The proposed development will primarily involve the erection of three drive-thru restaurant/coffee shop units and 1955 square meters (m<sup>2</sup>) of business units (Class 4). Due to level constraints, the site is generally split into two platforms, with a retaining wall between. The internal road and footpath layout connects the two levels. The three 'drive-thru' units are located on the lower platform to the 'front'/north of the site and close to Broxden Avenue. The upper platform is located to the south and contains the business units, indicated to be a 'L' shaped building.
6. Both levels feature centrally positioned parking, as well as accessible and EV charging spaces. The upper level also features a turning/parking facility for larger vehicles. There is also pedestrian access routes between these levels and from Broxden Avenue and onto the core path to the east. The proposals feature extensive soft landscaping throughout, incorporating trees and bushes, and plant species chosen to enhance biodiversity.

### **Pre-Application Consultation**

7. Pre-application Reference: 21/00087/PREAPP.
8. The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was required to undertake formal pre-application consultation with the local community. Proposal of Application Notice (PoAN) submitted to Perth and Kinross Council on 24 May 2022 for a "*proposed commercial development including the erection of three café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub, with parking, landscaping, new access and other associated works*". The PoAN confirmed that in line with Scottish Government guidance, two public events would be held. The first was publicised by an advert appearing in the Perthshire Advertiser on 18 October 2022 and held at the Lovat Hotel, 90 Glasgow Road, Perth on 29 October 2022. It also advised of a dedicated website where plans would be shown and contact details for the project team could be found.
9. The second event was publicised in the Perthshire Advertiser on 21 February 2023. The venue again the Lovat Hotel and held on 2 March 2023. This event provided updated information on changes made since the first event, progress on the application, and preparation of supporting and technical assessments. As the first event experienced low turnout, the second event was also intended to provide an

opportunity for local residents who had not attended the first event to gain information on the proposals and provide feedback to the project team.

10. A Pre-Application Consultation Report supports the application setting out the consultation undertaken and is in accordance with the statutory requirements.

## **NATIONAL POLICY AND GUIDANCE**

11. The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework 4**

12. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
13. The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document. The following policies are relevant to this application:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 minute Neighbourhoods
- Policy 18: Infrastructure First
- Policy 21: Play, Recreation and Sport
- Policy 22: Flood Risk and Water Management
- Policy 26: Business and Industry
- Policy 27: City, Town, Local and Commercial Centres
- Policy 28: Retail

### **Planning Advice Notes**

14. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

15. Creating Places is the Scottish Government’s policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

16. Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government’s place-making agenda, alongside Creating Places.

### **National Roads Development Guide 2014**

17. This document supports Designing Streets and expands on its principles and is the technical advice that should be followed in designing and approving of all streets including parking provision.

### **DEVELOPMENT PLAN**

18. The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

### **Perth and Kinross Local Development Plan 2**

19. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

20. The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 3: Perth City
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 7A: Employment and Mixed Uses: Business and Industrial
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14B: Open Space within New Developments



- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 32: Embedding Low and Zero Carbon Technology
- Policy 39: Landscape
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment
- Policy 53B: Foul Drainage
- Policy 53C: Surface Water Drainage
- Policy 53E: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

21. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

## **SITE HISTORY**

22. [20/00856/FLL](#) Full planning permission was approved on 22 October 2020 for Land engineering operations (in part retrospect)
23. [20/01148/FLL](#) Full planning permission was approved on 18 October 2020 for the formation of access road and associated works (in part retrospect)
24. [21/01121/FLL](#) Full planning permission was approved on 4 August 2021 for Land engineering works (in part retrospect)
25. [22/00015/PAN](#) On 14 June 2022, a PAN was submitted for a mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works (allocated site E2).

26. [22/00956/SCRN](#) On 15 June 2022, a Screening Opinion was issued confirming that an EIA was not required for the erection of three café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub, with parking, landscaping, new access, and other associated works

## **CONSULTATIONS**

27. As part of the planning application process the following bodies were consulted:

### **External**

#### **Transport Scotland**

28. No objection. 5 conditions are recommended relating to: construction traffic, a travel plan, details of a barrier to the trunk road, and details of all lighting within the site. This includes a condition to ensure that no drainage connections to the trunk road will be permitted.

#### **Scottish Environment Protection Agency (SEPA)**

29. A holding objection has been submitted as the information associated with the application is considered insufficient to allow SEPA to determine the potential impact associated with flood risk. SEPA considering that any detailed Flood Risk Assessment (FRA) must take account of the Council's detailed 'Craigie Burn study'. Should the committee be minded to agree with the recommendation to approve the application, it will require to be notified to Scottish Ministers due to the objection from a statutory consultee.

#### **NatureScot**

30. No objection or formal comments. Direction to general advice given.

#### **Scottish Water**

31. No objection. Advise that this does not confirm that the proposed development can currently be serviced. However, there is currently sufficient capacity in the Perth Water Treatment Works and Perth City Waste Water Treatment Works to service the proposed development. It is also suggested that the applicant completes a Pre-Development Enquiry (PDE) Form.
32. It is further advised that Scottish Water records indicate that there is live infrastructure in proximity and that the applicant must identify any potential conflicts with Scottish Water assets.

#### **Historic Environment Scotland**

33. No objection to make on the application. Advice should be sought from Perth and Kinross Heritage Trust.

### **Perth and Kinross Heritage Trust**

34. No objection with respect to archaeology and the planning process, as outlined by NPF4, the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

### **Earn Community Council**

35. Object on the following grounds:
- Increase in flood risk
  - Increase in traffic flow and, therefore, congestion.
  - Not in accordance with a “town centre first” approach recommended by NPF4 policies.
  - Adverse impact on air quality
  - An unacceptable increase in the level of litter at this locality.

### **Internal**

#### **Developer Contributions**

36. No objection. A financial contribution is required towards the cost of delivering transport infrastructure improvements. Figures provided in the application form indicate 1954 sqm of new Class 4 space and 698 sqm of new Class 3 space. Class 4 floorspace is assessed under the ‘Employment’ category at £14 per sqm. Class 3 floorspace is assessed under the ‘Other Non-Residential’ category at £48 per sqm. Therefore, in this instance, the total of £66,860 in transport contributions is required.

#### **Structures Team**

37. No objection. There are no adoptable retaining walls exceeding 1.5m in height, or any bridges / culverts exceeding 2m span.

#### **Commercial Waste Team**

38. No objection. Advise the proposed bin stores will be sufficient.

#### **Environmental Health – Noise and Odour**

39. No objection, subject to conditional control regarding plant equipment noise, external lighting, and effective ventilation systems.

#### **Environmental Health - Contaminated Land**

40. No objection. A condition is recommended that a site evaluation is carried out to check for any potential contamination.

### **Flooding Team**

41. No objection. The proposed development has a neutral impact on the existing flood risk. The Council's internal Structures and Flooding Team have also considered the objection from SEPA with regard to flood risk and do not consider that the Council's own Craigie Burn Flood Study is relevant to this proposal.

### **Biodiversity Officer**

42. No objection. Initial concerns have been addressed via subsequent information. Conditions required regarding compliance with the submitted 'biodiversity action plan' and 'ecological impact assessment'.

### **Community Greenspace**

43. No objection. A condition and an informative are recommended regarding the local core paths.

### **Development Plan Team**

44. No objection. A condition is recommended regarding the timing/delivery of the Class 4 uses.

### **Transportation and Development**

45. No objection. Conditions are recommended in relation to the proposed vehicle access from Broxden Avenue and that a Traffic Management Scheme is submitted. An informative is also required regarding an approved street lighting design.

### **Representations**

46. 13 objections were received, summarised as:
- Contrary to LDP2 policies
  - Increased flood risk to nearby receptors
  - Road safety concerns
  - Increase in traffic congestion
  - Over-provision of car parking
  - Contrary to NPF4
  - Overdevelopment
  - Potential ground contamination
  - Impacts upon residential amenity
47. These issues are addressed in the Appraisal section below.

## ADDITIONAL STATEMENTS

48.

Screening Opinion	Says above a SO was issued?
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	DAS Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Submitted: <ul style="list-style-type: none"> <li>• Arboricultural Impact Assessment</li> <li>• Planning Supporting Statement</li> <li>• Air Quality Assessment Report</li> <li>• Socioeconomic Statement and Statement of Community Benefit</li> <li>• Archaeological Assessment</li> <li>• Ecological Constraints</li> <li>• Transport Technical Note</li> <li>• Low and Zero Carbon Report</li> <li>• Flood Risk Statement and Drainage Assessment</li> <li>• Biodiversity Action Plan</li> <li>• Arboricultural Assessment</li> <li>• Ecological Impact Assessment</li> <li>• Site Investigations</li> <li>• Geo-environmental Study</li> <li>• Landscape Planting and Maintenance Proposals</li> <li>• PAC Report</li> </ul>

## APPRAISAL

49. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

50. The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### **Principle**

51. The site forms part of allocated site E2 in Local Development Plan 2019 (LDP2) for core employment uses (Classes 4, 5 and 6) with the following site specific requirements:
- Flood Risk Assessment and Drainage Impact Assessment required which will define the open space which will be protected in perpetuity for flood risk reasons.
  - Flood Risk Assessment must demonstrate that development does not increase the risk of flooding elsewhere particularly downstream on the Craigie Burn.
  - Open space to also provide a green wedge into the city and links to the Green Belt.
  - Cycle paths, core paths and rights of way incorporated into Masterplan and designed to improve active transport links to Perth.
  - Enhancement of biodiversity and habitats
52. The site has also benefited from In Principle Planning Permission (12/01692/IPM) as it formed part of a mixed-use approval for residential and commercial development. The site in question formed part of Phase 1 'Employment Land'. A Section 42 planning application to delete Condition 3(ii) of 12/01692/IPM was approved at the June 2021 committee and relates to delivery of Phase 2 'Employment Land'. Consequently, a fresh decision notice was issued and included conditions relevant to LDP2 site E2.
53. The E2 sites allocation currently allows for core employment uses, specifically Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution). In LDP2, core employment uses are defined in Policy 7A Employment and Mixed-Use Areas: Business & Industrial, which sets out the retention of Classes 4, 5 & 6 with only limited exceptions. The site is currently serviced for employment uses.
54. The proposed uses within the application are a combination of class 3 and business units. The principle of the business uses is fully compliant with the LDP2 allocation and the wider planning consent. However, the class 3 uses are not supported under the exceptions provided for in criteria (d), (e) or (f) of LDP2 Policy 7A.
55. As LDP2 Policy 7A is a restrictive policy that retains land identified for core business and industrial purposes (Classes 4, 5 and 6). The intention being to protect the supply from alternative uses. The only three exceptions setting out where retail uses, service facilities and waste management uses could be conditionally supported. These are set out in criteria (d), (e) and (f).
- In terms of criterion (d): no retail uses are proposed, ancillary or otherwise. Therefore, this criterion is not applicable;

- Criterion (e) relates to service facilities and excludes retail and commercial facilities over 100m<sup>2</sup> and cumulatively no more than 15% of the allocated area. However, such services should also only draw trade from the business and industrial area rather than see a catchment beyond that. As such the criterion is again not relevant; and
  - The proposed uses are not waste management facilities, so criterion (f) is again not applicable.
56. The proposed development is, therefore, not compliant with LDP2 Policy 7A and thus requires justification as to why there is a material need for the Class 3 uses.
57. In this respect, although not compliant with the allocation in LDP2 or the related Policy 7A, the proposed Class 3 'drive thru' uses reflect other facilities/uses in the wider Broxden Services area, which is a well-established transport services/stopping area at an important interchange in the national road network, focused close to the Broxden roundabout/interchange. It is also worth noting that there are no residential uses in proximity, and little impact on amenity/sensitive receptors.
58. Turning to criteria (a)-(c) and (g) of Policy 7A, as stated there are no residential properties or sensitive receptors nearby to be affected by the proposal. Indeed, existing uses of a similar nature are closer to such sensitive receptors. The Transport Assessment accompanying this application demonstrates that there is sufficient capacity on the existing road network to accommodate the proposed development and Transportation and Development colleagues nor Transport Scotland raise objections. The Class 3 drive thru units, given the location at a major transport interchange are anticipated to draw much of their business from trips already on the road network – being servicing stops between two points. That is not to say that there will be no locally generated traffic, but this is not seen to be unacceptably significant. The Class 4 uses will also generate trips associated with their employment and business function, but again it is considered that these can be accommodated on the existing road infrastructure.
59. In relation to Policy 7A (g), there are no European designated sites of relevance to the application site.
60. The National Planning Framework 4 contains Policy 27: City, Town, Local and Commercial Centres. This states that LDPs should, '*...also consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel.*' However, this new policy direction was not considered at the time LDP2 was prepared and as such, no allocations are identified for drive-throughs in that Plan. As such, the approach to drive-through proposals must consider whether they are compatible with neighbouring land uses and have limited impact upon local living and sustainable travel. Whilst also considering a sequential, town centre first approach.

61. The site has been designated for some form of Class 4 use in masterplans since 2001. There have also been numerous detailed applications to develop the site, though Class 4 uses have never been proposed. This application represents the first detailed planning application for business units at this location. Thus it is considered clear that the length of time that has been available for a Class 4 use to come forward (over 20 years) reflects the difficulty in attracting developers of only the allocated “employment” uses (such as the 4ha allocated under site E2). This planning history is considered a material planning consideration.
62. The inclusion of Class 3 uses is anticipated to see Class 4 suitable units delivered and a condition can be applied to control their delivery. The split between Class 3 and 4 uses is relatively even. On a broader scale, the application site amounts for approximately 1.1% of the total employment land supply in Perth & Kinross (based on data from the 2022 Employment Land Audit), and the part of the site proposed for the Class 3 drive thru units represents half of this (so approximately 0.55% of the overall employment land supply). This is regarded to be a small amount of land in this context, but also an alternative which will generate employment opportunities and economic benefit as well as being well placed in terms of the catchment it would serve – focused on road users travelling longer distances and not solely driving to access the Class 3 uses.
63. Though not the “employment” uses intended by the allocation, the Class 3 units would have positive economic benefits. Taking each use in turn, the Class 4 element is indicated as likely to create c.42 jobs; with the Class 3 units c.88 jobs. This indicates that the Class 3 elements make a more significant contribution than the preferred Class 4 aspect of the application, which may not be realised if the uses permitted continued to be limited to that in the LDP2 allocation. However, the Class 4 units will create the intended employment opportunities as a result of the physical space provided, whether that be for new businesses or existing businesses to grow. The Class 3 uses will clearly complement the existing trunk road service area of the wider Broxden area, creating other employment opportunities at what is a key transport interchange in the national road network, which has limited interaction with local roads or sensitive receptors.
64. The proposal does accord with much of LDP2 Policy 7A, including that uses should complement surrounding character, impacts on the road network should be capable of being accommodated, there should be good active and public transport connectivity, and there should be no impact on designated nature sites. It is accepted that although the Class 3 elements do not accord with all criteria, they would accord with wider strategic objectives and ambitions to foster and facilitate employment and economic growth. Nonetheless, if any consent is granted, the class 4 units should be conditioned to be delivered prior to, or alongside the class 3 elements. This will ensure that the opportunity to occupy those units is presented as part of any development completed, as intended by Policy 7A.
65. NPF4 Policy 27 City, Town, Local and Commercial Centres states: Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices,



community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

- i. will be supported in existing city, town, and local centres, and
  - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.'
66. At pre application stage, which pre-dated the adoption of NPF4, it was considered that Class 3 drive through units may not need to be scoped in terms of the sequential approach for town and city centres. However, on the adoption of NPF4 and particularly Policy 27, this view has changed. It is now considered that town centre first principles and associated impacts require to be assessed. This is particularly as drive through focused proposals can be reasonably altered to restaurants and these should preferably be directed to existing centres. This is particularly important when the city centre sees significant vacancies due to retail contraction. Therefore, due to existing food and drink provision, this application and 23/00193/FLL could have a significant adverse effect on the vitality and viability of the centres.
67. NPF4 Policy 27 further states that: Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
- i. Hot food takeaways, including permanently sited vans;
  - ii. Betting offices; and
  - ii High interest money lending premises.
68. As mentioned above drive-through developments are generally only supported by NPF4 where they are specifically supported in the LDP. It is however explained above why this is not the case. It is further noted that Class 3 drive-through uses should not necessarily be seen to relate to 'hot food'.
69. NPF4 also states that LDPs should, '*...also consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel.*' Given that there are no sites identified for drive through facilities in the current Local Development Plan, and this site is not considered to be within a suitable location for food and drink development which may more traditionally be found in an existing city or other identified centre, the proposed development may appear to be contrary to NPF4 Policy 27. However, it would provide compatible facilities close to the

national road network, and limit the need for significant diversions off that network and for other linked trips to take place – such as for fuel, accommodation, rest, etc. Employment opportunities would also be created in the western part of Perth, aiding local living.

70. Nonetheless, if any consent is granted, the class 4 uses should be conditioned to be delivered prior to, or alongside the class 3 uses. This will ensure some compatible employment land uses are delivered.
71. Although some of the proposed uses are contrary to the employment area designation, the proposals will generate employment opportunities, stimulate further development in the area, and contribute to sustainable economic growth. Furthermore, it would not fit with the principles of sustainable travel or local living for the proposed service area facilities to instead be diverted to the City Centre, resulting in a significant diversion from the national road network and Broxden interchange. As such it is considered that the site is a suitable location for such uses to be focused given their purpose and target market. It is also compatible with the neighbouring area where there are already drive-throughs present (McDonald's and Costa Coffee).
72. Furthermore, the proposed uses are not intended to challenge or compete with those in the City Centre, or likely to see significant trade diverted – reflective of the target market and the previously mentioned nature of the location and its inherent suitability for such uses compared to other potential locations. The proposed development is considered to accord with NPF4 Policy 27, in that centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre, particularly given the intended catchment and need for parking and internal access routes; and the impacts on existing centres have been assessed and there will be no significant adverse effect on the vitality and viability of existing centres, with the intended custom unlikely to choose to travel off the road network (from Broxden) to those centres. The proposal is thus regarded to accord with wider objectives of NPF4, given its emphasis on low carbon technology, local job creation, sufficient detachment but proximity to residential areas, accessibility by sustainable methods (including limited diversions from long distance travel routes), and provision of business space. In respect of criterion d) of Policy 27, it is acknowledged that the Perth & Kinross Local Development Plan does not specifically support drive-thru uses in this location – or anywhere else.
73. The aims of criterion d) in NPF4 Policy 27 is considered to seek to avoid uses which would generate significant additional and potentially unnecessary vehicle trips, as can be the perception for drive-through restaurants, such trip generation producing unnecessary carbon emissions. However, in this instance, the location is clearly associated to an existing services node directly next to existing national road infrastructure. All of which is intended to serve those passing whilst on longer trips, and therefore largely intercepting existing trips on the road network at a point where minimal diversion would be required and linked visits to other nearby

services could take place. It is estimated that approximately 40% of visits will be from existing passing trade.

74. Additionally, the development seeks to reduce its overall carbon liability with the inclusion of 36 (2x 18) Electric Vehicle charging spaces which will encourage car trips to the site to be by low carbon vehicles.
75. The proposal will not result in the complete loss of the core employment land, with approximately half of the site proposed to be used for Class 4 purposes. Whilst also providing other employment opportunities via the Class 3 uses. Therefore, it is considered that the slight deviation from LDP2 Policy 7A: Employment and Mixed Uses: Business and Industrial is acceptable.
76. Policy 26 Business and Industry of NPF4 is also applicable as the site is zoned for core employment uses (Class 4, 5 and 6). This policy is not as restrictive as Policy 7 of LDP2, in that it states that other employment uses (not business/industry) will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area. It also supports the development of business and industrial uses on sites identified for those uses in the LDP. In this case the site is allocated within the adopted Perth and Kinross LDP as 'E2 Broxden' for employment uses (core), thereby establishing the principle of locating core employment uses (Class 4, 5 and 6). Additionally, planning permission in principle exists for the site and wider area with an overarching masterplan which identifies the land containing the application site as an employment phase.
77. The proposed development includes a building to accommodate Class 4 users. As mentioned above the principle of this is considered acceptable in terms of the Development Plan, this includes NPF4 Policy 26.
78. In addition, the proposals include three Class 3 café/restaurant buildings with associated drive-through facilities. Policy 26 of NPF4 allows for other employment uses within these areas, providing they do not prejudice the primary employment function of the allocation and are compatible with the business and industrial character of the area. In this respect the proposed drive-throughs would not be incompatible with the proposed class 4 use, nor the wider employment designation for the area. However, the business / industrial character is not yet established. The character is instead reflective of an existing mix of hotel and restaurant, drive through, petrol station and park and ride facilities comprising the Broxden services area.
79. NPF4 contains specific policy advice on drive-through uses, highlighting that LDPs should consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel. Policy 27 states that Drive-through developments will only be supported where they are specifically supported in the LDP.
80. As a specific employment allocation, the primary LDP policy utilised to assess the principle of development is Policy 7: Employment and Mixed-Use Areas. This provides a list of criteria for all business and employment areas, in addition to those

specifically identified as 'core' business and industrial land, as is the case for the application site.

81. The proposed Class 4 building is entirely compliant with the criteria of LDP Policy 7A: Business and Industrial. It will establish a Class 4 use on a site designated for this use, which can be accessed by numerous modes of transport, not just the private car.
82. LDP2 Policy 7A contains provision for ancillary facilities to serve business and industrial areas. The proposed drive-throughs are very much envisaged as ancillary services to complement the primary function of the wider area and also the emerging business uses intended by the allocation, in line with criteria (d) of the policy.
83. Furthermore, both the drive-throughs are not excessively larger than the stipulation in criteria (e) of LDP2 Policy 7A. However, when considered against the wider allocation, the E2 allocation identifies an area of 4ha, with a further 4.5ha of employment (core) uses allocated to Broxden, to the east of the E2 designation. The area subject to the drive-through units equates to a small portion of this area and well below the 15% threshold set out in LDP2 Policy 7A criteria (e).
84. It is an important consideration that the established character of the immediately surrounding developed areas is that of a transport services area, rather than a core employment area - with a hotel, restaurant, service station and park and ride facility nearby. In addition, the Class 3 aspects only comprise a small part of the wider zoned site and would not necessarily prejudice the delivery of core employment uses, rather it could be seen to be facilitating their delivery. Also importantly, there would be no obvious incompatibility with either allocated or existing uses in the surroundings. Overall, it is considered that the proposed development is in accordance with the relevant NPF4 policies and is a minor departure from LDP2, specifically in terms of the Class 3 uses proposed.

### **Design and Layout**

85. The proposed development will primarily involve the erection of three drive-thru restaurant/coffee shop units on the site and 14 business units (Class 4). NPF4 Policy 14: Design, Quality and Place supports development that is consistent with the six qualities of successful places ensuring they are: healthy; pleasant; connected; distinctive; sustainable and adaptable. LDP2 Policy 1A further states that development must contribute positively to the quality of the surrounding built and natural environment and be planned and designed with due consideration to climate change, mitigation and adaptation. Its siting and design should also respect the character and amenity of the place and improve links beyond the site, with new landscaping and planting incorporated.
86. Due to site level constraints, the site is generally split into two platforms, with a retaining wall between. Both platforms feature sufficient parking for the uses on each level, as well as accessible and EV charging bays. The upper level also features a turning facility for larger vehicles that may access the business units. The

internal road and footpath layout connects these two platforms. The three Class 3 drive-through units are the first to be reached on the access road (the lower platform, to the north of the site and close to Broxden Avenue). The upper platform is located to the south and contains the Class 4 business units.

87. One of the Class 3 units is identified as a 'Starbucks' and set over a single storey with integrated roof totem. It has a modern 'branded' design and the layout includes a drive-through lane, car parking, landscaping, and other ancillary features, such as pre-menu board, outdoor seating and a utility yard. There is also a customer waiting bay.
88. The unit and its positioning has been designed to be visible from Broxden Avenue. It would extend to c.188sqm, comprising internal seating areas, back of house spaces, and bathrooms. A 26sqm external waste compound is not included in that figure, this to the west elevation.
89. A second Class 3 unit is indicated as to be occupied by 'Burger King' and again a single story 'branded design' with an integrated roof totem. The restaurant has a floor area of 275sqm including internal seating, kitchen, and staff areas. A waste area on the east side is c.18sqm.
90. The occupier of the third Class 3 unit (201sqm) is not advised, but has similar form and facilities to the others. In addition, there is an external seating area and areas of hard and soft landscaping. There is a connection to the wider proposed footpath, which in turn links to the core path to the east.
91. The Class 4 units extent to a total of c.1,954sqm of floorspace, split into 14 units of varying sizes. However, it would be open to being divided or amalgamated in a number of ways depending on tenant requirements, providing units of a different number and sizes to those indicated.
92. Each of the currently identified units see tall roller doors (4m x 3.5m) to facilitate deliveries, with protective bollards on either side of the roller doors and a standard pedestrian door. The building is of a height and size suitable to accommodate a number of different Class 4 light industrial uses, or be flexible for other Class 4 operations.
93. The 36 proposed EV charging points across two hubs will be operated by SSE, and provide superfast EV charging capabilities. Spaces and associated infrastructure are staggered across both platforms.
94. The site sees a variety of soft and hard landscaping areas proposed, designed to enhance natural biodiversity and the overall visual character of the site. Units are orientated onto the internal street, promoting a sense of safety and surveillance.
95. The Planning Policy, Design and Access Statement submitted describes the design development. Taking all this together it is considered that the proposal complies with LDP 2 Policy 1A: Placemaking, Policy 2: Design Statements and NPF4 Policy 14: Design, Quality and Place.

## **Visual Amenity**

96. In terms of visual amenity, the proposed development will result in a positive character and appearance aligned with the allocation for employment purposes. The current undeveloped condition has limited amenity value, and the proposal will visually improve this and provide jobs and economic activity. The landscaping scheme will also improve biodiversity from that existing.

## **Noise and Odour**

97. The site is within a wider area characterised by a variety of existing and emerging employment (Business and Transport Services) uses, the nearest dwellings are in excess of 300m away. Due to the intervening land uses and distance the proposal is not considered to detrimentally impact residential amenity. However, being within Perth's Air Quality Management Area (AQMA) the applicant has submitted an Air Quality Assessment (AQA) and a Traffic Impact Assessment which consider the potential impact of traffic associated with the development on the air quality at existing residential receptors. The assessment concluded that the impact of the development is considered negligible for all the assessed pollutants.
98. However, given the range of different plant equipment associated with the proposals, a condition (Condition 17) has been included to control the risk of noise during the construction phase. Two further conditions (Condition 18 and 19) have been included to ensure that lighting and ventilation is controlled.

Overall, the proposed development is considered appropriate to the evolving character of the wider Broxden service area, and in accordance with NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1A: Placemaking.

## **Roads and Access**

99. LDP2 Policy 15: Public Access states that development proposals that would have an adverse impact upon the integrity of any (including proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted. In this instance, a core path runs to the east of the site and is to be retained as part of the proposals to facilitate internal and external pedestrian connectivity. The proposed vehicular entrance off Broxden Avenue also provides pavement connection to the wider pedestrian network, which will allow for walking and wheeling access on a level surface.
100. Access is from Broxden Avenue, which leads from a roundabout on the A93 (Glasgow Road) to the north. Broxden Avenue also serving the existing services and Park & Ride facility. The connection to Broxden Avenue would be a priority junction. A condition has been included (Condition 8) requiring that a Construction Traffic Management Scheme (CTMS) is submitted for approval prior to works commencing. The Starbucks and Burger King units will utilise a shared, dedicated service bay while the eastern drive thru will see a parking cul-de-sac for deliveries. However, a servicing hours/delivery service management plan setting how this

facility will be operated to avoid any adverse impacts during normal operations is required via condition (Condition 5). Overall, 138 vehicle parking spaces on the site, of which 10 are suitable for disability access, and of which 36 are electric vehicle charging bays. The National Roads Development Guide specifies 6% of spaces to be suitable for disabled users and this standard is achieved.

101. Concerns raised by Perth & Kinross Council's Public Transport Unit that Broxden Park & Ride has no capacity and/or facility for non-timetabled coaches. On this The National Roads Development Guide, stipulates that developments likely to generate coach traffic, which this development is likely to, should provide appropriate off-street parking facilities for the stopping, setting down and picking up of passengers as well as appropriate turning facilities (avoiding the requirement for coaches to reverse in or out of a site where possible, taking into consideration pedestrian safety). As a result, the applicant has provided parking provision of 2 bays for coaches/HGV's.
102. LDP2 Policy 60A: Existing Infrastructure, requires existing transport infrastructure is retained/improved appropriately. The traffic impact associated with the proposed development has been assessed within the submitted Transport Assessment. This identifies traffic flow on relevant roads and was scoped with both Perth & Kinross Council and Transport Scotland. The modelling results indicated that the relevant junctions would operate with spare capacity on completion of the development.
103. LDP2 Policy 60B: New Development Proposals states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular sustainable modes of walking, cycling and public transport, prior to private car journeys. In these respects the site is close to existing public transport facilities with bus stops, both on the Glasgow Road and at the Park & Ride. A condition has also been included (Condition 6) that the cycle parking and sheltered facilities be agreed and provided. There are also 36 EV parking spaces proposed. Subject to conditions, the proposed development is in accordance with LDP2 Policy 60B and NPF4 Policies 13 and 14.

### **Drainage and Flooding**

104. LDP2 Policy 52: New Development and Flooding, states that the Council supports the delivery of the actions and objectives to avoid an overall increase, reduce overall, and manage flood risk as set out within the relevant SEPA Flood Risk Management Strategies and the Local Flood Risk Management Plan. The submitted Flood Risk Assessment, identifies that there is no known risk of surface water flooding on the site during a 0.5% AP flood event, nor is there any history of flooding on the site. There is also no increase in land use vulnerability as a result of the proposed development. Furthermore, the site is not at risk from fluvial flooding due to raised position from the nearest watercourse. The applicant resolved all issues raises by PKC Floods Team, through the submission of the Flood Risk Statement and Drainage Assessment. Although, whilst PKC's flooding team are satisfied and have no objection, to the proposed development, SEPA have advised of a holding objection on the basis that the Council's Craigie Burn Flood Study should be taken into consideration in any assessment. However, the PKC flood team, who are

preparing this study, do not consider that is relevant to the proposals, thus there is a difference in technical opinion between the Local and National Flood Authorities. As such, the Committee are minded to approve the application, a notification request will require to be sent to Scottish Ministers.

105. LDP2 Policy 53B: Foul Drainage states that foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. The submitted Flood Risk and Drainage Assessment shows the site connecting into the Scottish Water Surface Sewer. Furthermore, Scottish Water have confirmed that there is foul water capacity at The Perth City Waste Water Treatment Works
106. LDP2 Policy 53C: Surface Water Drainage states that all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures including relevant temporary arrangements at the construction phase. In this instance, the primary concern is water run off impacting the Craigie Burn catchment area. The surface water discharge line ties into the Perth Flood Protection Scheme storage pond to the East importantly the proposed drainage infrastructure provided an improved arrangement from that which is currently calculated for the site in its undeveloped state. This by controlling site discharge to 2 year greenfield rates for all return periods, up to and including 1 in 200 year plus climate change. This design should provide a reduction in discharge from the site for most rainfall events, as compared to the undeveloped discharge rate. Therefore, the proposed development is in accordance with LDP2 Policies 52 and 53C and NPF4 Policy 22.

### **Natural Heritage and Biodiversity**

107. LDP2 Policy 40: Forestry, Woodland, and Trees indicates that tree surveys, undertaken by a suitably qualified professional, should accompany applications where there are existing trees affected. There is also a presumption in favour of protecting woodland resources.
108. In this case there are trees at the eastern and northeastern boundaries, and some will have to be removed during construction. However, the proposed landscape scheme will replace these and provide compensatory planting throughout the site. The proposed landscaping will also incorporate appropriate local species to provide a high-quality landscape. The tree provision would see 69 heavy standard trees across broadleaf tree species, and larch. The tree species offer a good choice of street trees suitable in size for the site and future use. The main amenity tree planting is positioned along the southern side of the main access, at the site entrance, between the three units, and at the southern boundary.
109. The trees are well distributed should provide some interest between the buildings. Furthermore, it is noted that existing woodland at the north side of the site is being retained, and trees are being added to extend tree cover along the site frontage. The amenity shrub planting is mixed in nature, comprising both evergreen and deciduous species. Ground cover is considered robust and extends over a considerable area at the frontage. Large numbers of single species blocks should result in extensive vegetated banking, which should require limited maintenance.



110. The proposed landscaping scheme will result in a significant area of trees and green space provided on site, primarily along a central green finger by the retaining wall, which expands into a landscape area on the upper level. This central landscaped zone allows separation between the two uses (Class3/4). Given the site's current minimal biodiversity value, the proposed landscaping will also enhance both the biodiversity and visual amenity of the site.
111. LDP2 Policy 41: Biodiversity, seeks to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not taking into account the ecosystems and natural processes of the area. The proposal is not regarded to have any adverse impacts on biodiversity.
112. In accordance with NPF4 Policy 3: Biodiversity, development proposals for national or major development, will only be supported where it can be demonstrated that the proposal will conserve, restore, and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management, and best practice assessment methods should be used at all times.
113. In this regard the application is accompanied by a Phase 1 Ecological Constraints Survey which identifies that there are no concerns with regards to protected species. Also, the proposals would see a biodiversity enhancement from an existing undeveloped brownfield site with limited value, the landscaping scheme including a variety of different flora types and species.
114. A Biodiversity Action Plan and Ecological Impact Assessment (including protected species) have been submitted, and conditions (Conditions 12,13 and 14) are included to ensure that the conclusions, and recommendations of appropriate mitigation measures outlined in the reports are implemented in full.
115. Other proposed measures include: creation of a raingarden, sedum based green roofs and hedgehog homes as well as retaining areas of existing habitats and enhancing connections to new planting. As wildlife kerbs is not proposed, which contribute towards many actions in the Tayside Local Biodiversity Action Plan, Conditions 15 and 16 are recommended. In light of the above, it is considered that the proposals are in accordance with LDP2 Policy 41: Biodiversity and NPF4 Policy 3: Biodiversity.

### **Developer Contributions**

116. The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is located in the 'Full' Transport Infrastructure contributions zone. Figures indicate 1,954 sqm of new Class 4 space and 698 sqm of new Class 3 space. Class 4 floorspace is assessed under the 'Employment' category at £14 per sqm. Class 3 floorspace is assessed under the 'Other Non-Residential' category at £48 per sqm. Therefore, £66,860 in transport contributions is required.

117. It is preferred that payment of the contribution should be made front of release of planning permission. If Section 75 agreement is entered into the full contribution should be received 10 days prior to the occupation of the development, with legal cost incurred by PKC covered by the applicant.

### **Economic Impact**

118. The development will contribute to renewable and sustainable transport targets, through the provision of EV charging facilities. The proposed drive through facilities will result in a positive economic impact for the surrounding area, with a number of part and full time jobs being created.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

119. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, parking provision and drainage.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

120. It is anticipated that the contribution will be paid upfront rather than via Section 75 legal agreement. However, all alternative options should remain available.

### **DIRECTION BY SCOTTISH MINISTERS**

121. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

122. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, but is a minor departure to the adopted Local Development Plan 2 (2019), as the site is zoned for core employment uses and not all of the uses proposed are within this definition. However, in this case, the class 3 uses proposed are considered to complement the existing character of the area and will ensure the delivery of the business element without being of detriment to the wider Perth City. The departure is therefore considered justified, and the application is therefore recommended for approval.

### **RECOMMENDATION**

123. It is recommended that planning permission for the proposed development is approved, subject to securing of required contributions and the following conditions.

## **Conditions and Reasons for Recommendation**

### General

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

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

2. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. The construction of all of the business units hereby approved (as shown on plans 36 and 49) shall be completed such that they are ready for use/occupation prior to the occupation or bringing into use, whatever is the earlier, of the 3 class 3 cafe/ restaurants units as shown on plans 05, 10, 11, 12, 13 and 14.

Reason - To secure the provision of the business units on this allocated employment site.

### Access and Roads

4. Prior to the development hereby approved being completed or brought into use, the vehicular access shown on the approved drawings shall be implemented and constructed in accordance with Perth & Kinross Council's Road Development Guide, using the Construction Type B from the Construction Details for Access Types, C, D and E. The Type B Road construction detail shall continue into the entrance for a distance of at least 5 metres from the boundary of the public road surface.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

5. Prior to the occupation of any unit, the applicant shall submit for the written approval by the Council as Planning Authority, a Service Management Plan detailing the plans for servicing and delivery operations, and timing, including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery. Thereafter, the agreed scheme shall be implemented for the life of the development.

Reason - In the interests of pedestrian and traffic safety.

6. Prior to the first occupation of any unit, a detailed design for a minimum of:
- a. 4 secure cycle parking bays for the Western Class 3 Plot
  - b. 6 secure cycle parking bays for the Central Class 3 Plot
  - c. 4 secure cycle parking bays for the Eastern Class 3 Plot
  - d. 30 secure and covered cycle parking bays for the business units

shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details prior to the relevant unit being brought into use.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

7. Prior to commencement of works, the street lighting design for adoptable areas must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented prior to the occupation of the first unit and maintained in full accordance with the agreed scheme.

Reason - In the interests of pedestrian and traffic safety.

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance;
- (p) details of HGV movements to and from the site; and.
- (q) details of sheeting for construction vehicles.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interests of pedestrian and traffic safety.

9. Prior to the commencement of development, the applicant shall submit to, for the prior written approval of the Council as Planning Authority, a scheme supported by survey work to demonstrate that the public drainage system ensures a positive flow of water with no discharge onto the public road network. Thereafter, the agreed scheme shall be implemented in full to ensure no discharge onto the road network at any time.

Reason - In the interests of pedestrian and traffic safety.

10. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transportation and Development. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the agreed scheme shall be implemented in full for the life of the development.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

11. Prior to the commencement of development details of a barrier along the boundary of the trunk road to prevent access to the trunk road shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The barrier as agreed shall be completed prior to the use of the development and maintained by the developer or subsequent owner of the land.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

## Biodiversity and Natural Environment

12. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 41 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

13. The findings and recommendations contained within the supporting ecological impact assessment submitted and hereby approved remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey, an updated survey is required.

Reason - In the interests of protecting environmental quality and of biodiversity.

14. Prior to the commencement of the development hereby approved, an updated Biodiversity Action Plan including a map/plan indicating the locations of all proposed measures proposed (bird boxes, hedgehog homes, bug hotels, hibernaculum piles, green roofs, and raingardens, etc.) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be implemented and maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

15. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, wildlife kerbs shall be installed adjacent to all road gullies within 500metres of a SUDS pond or watercourse. Thereafter, the kerbs shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

16. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

### Amenity / Noise and Odour

17. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

18. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

19. Prior to the development hereby approved being completed or brought into use, effective ventilation systems commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

### Contamination

20. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential ground contamination.

## Flooding

21. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

22. The measures identified in the Flood Risk Statement (document 48 relates) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented must be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - In order to take account of the flood risk of the adjacent sites close to the Glasgow Road (A93).

23. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

## Core Path

24. The asserted right of way/core path which may be impacted by the development (Core path CTYS/120, which then becomes EARN/117) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

## **Justification**

The proposal is considered a minor departure from the Development Plan however there are material reasons which justify departing from the Development Plan.

## **Procedural Notes**

SEPA has submitted a holding objection to the proposed development, in relation to flood risk. If the Planning & Placemaking Committee agree with the recommendation to approve the application, then the application will have to be



referred to the Scottish Ministers for authority to proceed. Thereafter, if agreed by Scottish Ministers, the decision notice shall not be issued until such time that the relevant transport infrastructure contributions have been secured.

## **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the e-Planning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information

more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to this development. <https://www.pkc.gov.uk/ldp2floodrisk>.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>
10. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
11. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
12. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
13. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
14. The applicant is reminded that, should any protected species be present, a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
15. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

16. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
17. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
18. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
19. The granting of planning permission does not stop the continued right of public access along the existing core path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

Background Papers: 13 letters of representation  
Contact Officer: Alan Atkins  
Date: 26 April 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

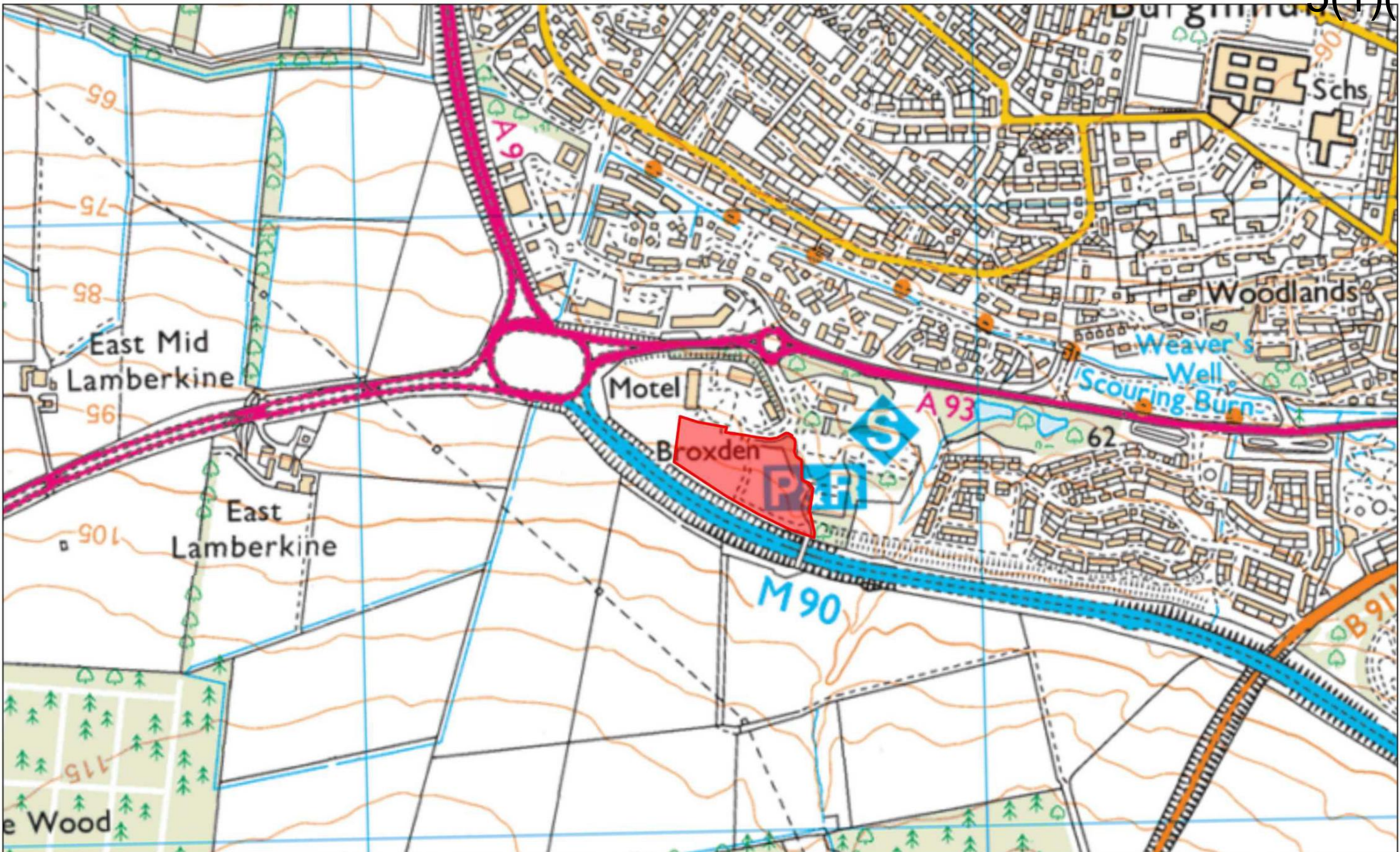
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Planning and Placemaking Committee - 8 May 2024

Scale  
1:10,000

23/00504/FLM

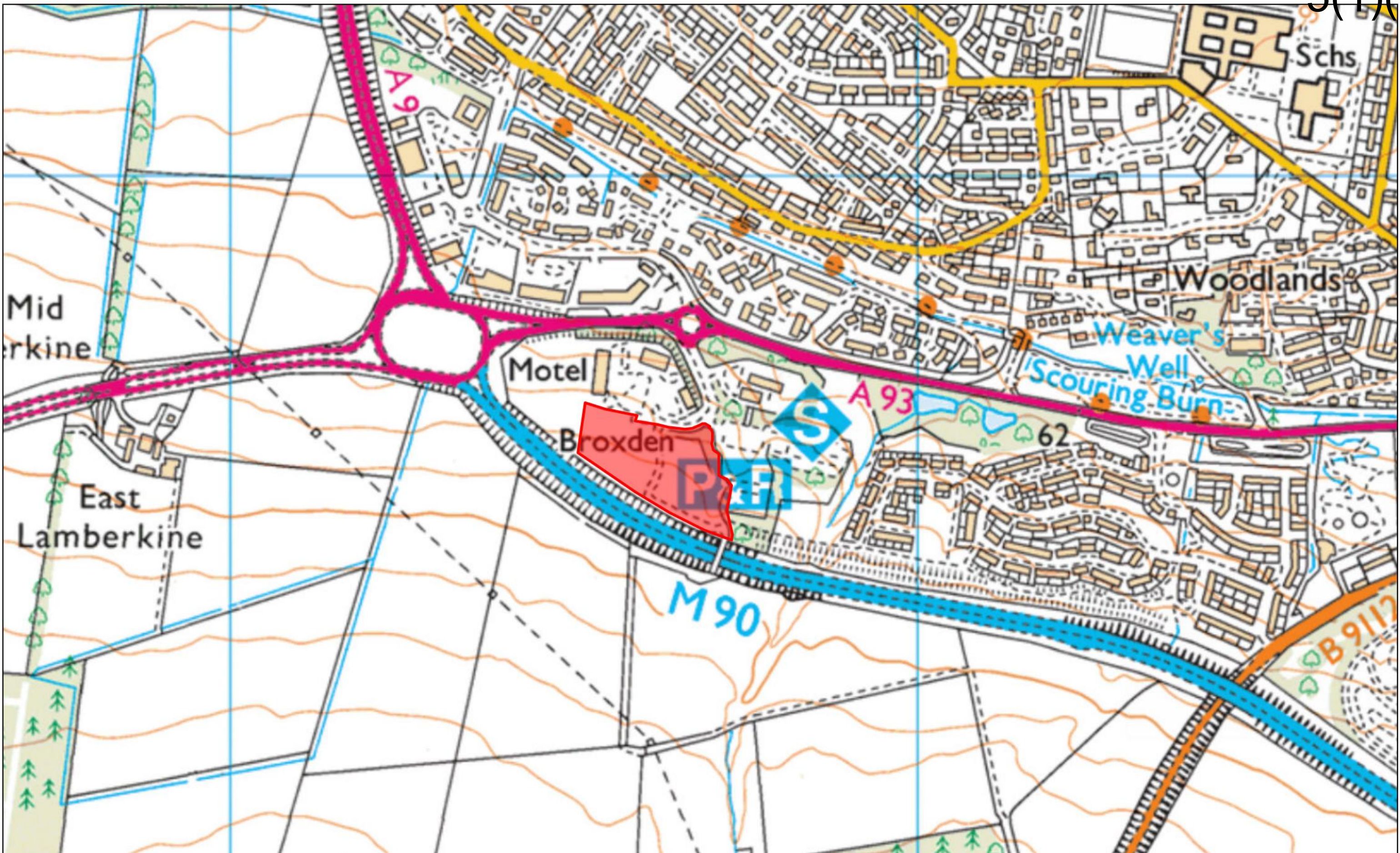
Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works on land 90 metres South of 5 Broxden Avenue (e2), Perth











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Planning and Placemaking Committee - 8 May 2024

Scale  
1:5,000

23/00504/FLM

Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works on Land 90 metres South of 5 Broxden Avenue, Perth









Perth and Kinross Council  
Planning & Placemaking Committee – 8 May 2024  
Report of Handling by Strategic Lead – Economy, Development & Planning  
 (Report No. 24/146)

<b>PROPOSAL:</b>	Erection of office building (Class 4) and two cafe/restaurant units (Class 3) with drive through facilities, car parking, landscaping and associated works
<b>LOCATION:</b>	Land 100 metres south west of 5 Broxden Avenue, Perth

Ref. No: [23/00193/FLL](#)  
 Ward No: P10- Perth City South

### Summary

This report recommends **approval** of the application as a minor departure from the adopted development plan. It is considered that there is suitable justification for this minor departure from the development plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The site is located within the Broxden area to the southwest of Perth, immediately adjacent to the Broxden Junction Services. Specifically, it lies to the immediate west of a hotel (Travelodge), which forms part of the wider provision and mix of services located off Broxden Avenue, including a restaurant (Harvester), a fast-food restaurant (McDonalds), a Park & Ride facility, and a fuel station (BP) with associated facilities. The site is allocated as an employment site (E2) within the adopted Local Development Plan.
2. The site lies at an important strategic transport intersection on the western edge of Perth providing excellent transport connections to all major Scottish cities. Accordingly, the character of the immediate surrounding area is typical to that of an established services area adjoining a trunk road network.
3. The site is essentially bound to the north by the A93/Glasgow Road, to the west by Broxden Roundabout, to the south by the M90, with the existing services area to the east with residential properties beyond. The site has been split to form two separate but interlinked development sites. Plots 1 and 5 are located to the eastern portion (0.48ha) and gained planning permission (Ref: 23/00192/FLL) in 2023 for a change of use of vacant land to form EV charging hub and hydrogen refuelling station including provision of amenity kiosk, charging apparatus and associated works. This application relates to the remaining Plots: 2, 3 & 4 to the west (0.71ha).

4. The site occupies an elevated position close to Broxden Roundabout, the intersection of the M90, A9 and A93. Existing mature trees/landscaping line the western, southern and a portion of the northern boundaries, along an existing embankment which rises relatively steeply from the A93 road. This provides a substantial degree of screening of views from the existing road network. A gap in the line of trees on the northern boundary does however provide glimpses from the A93.
5. The proposed development comprises a new office building (Class 4) (Plot 2) and two cafés / restaurants (Class 3) units with 'drive through' lanes (Plots 3 & 4). Each would incorporate associated car parking provision, landscaping / open space and ancillary engineering works.
6. Vehicular access will be taken via a new section of road forming a continuation of Broxden Avenue, to a mini roundabout centrally within the wider site. This roundabout having 5 arms to serve the 5 'Plots'. This new road would also include an extension of the footpath network to each plot, allowing for pedestrian and cycle access. All this connecting to a recently completed section of road to the east, approved under Planning Permission Ref: 20/01148/FLL.

#### **Pre-Application Consultation**

7. Under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the application is not considered to be a 'major' development and rather is classed as a local development. As such, there is no statutory requirement to undertake formal pre-application consultation with the local community prior to the submission of the application.

#### **NATIONAL POLICY AND GUIDANCE**

8. The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **National Planning Framework 4**

9. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
10. The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document. In this instance, the relevant policies are as follows:
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity

- Policy 4: Natural Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place.
- Policy 15: Local Living and 20 Minute Neighbourhoods.
- Policy 18: Infrastructure First
- Policy 21: Play, Recreation and Sport.
- Policy 22: Flood Risk and Water Management
- Policy 26: Business and Industry
- Policy 27: City, Town, Local and Commercial Centres
- Policy 28: Retail

### **Planning Advice Notes**

11. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

12. Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

13. Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

### **National Roads Development Guide 2014**

14. This document supports Designing Streets and expands on its principles and is the technical advice that should be followed in designing and approving of all streets including parking provision.

## **DEVELOPMENT PLAN**

15. The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

### **Perth and Kinross Local Development Plan 2**

16. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 3: Perth City
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14B: Open Space Within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 32: Embedding Low and Zero Carbon Technology
- Policy 39: Landscape
- Policy 40B: Trees, Woodland, and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: New Development and Flooding.
- Policy 53B: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

17. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

## **SITE HISTORY**

- [11/00010/PAN](#) On 12 October 2011 a Proposal of Application Notice (PAN) was submitted for a mixed-use development comprising of residential, and employment uses, landscaping and associated infrastructure.
- [12/01692/IPM](#) Planning permission in principle was approved on 29 August 2013 for a mid-use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure (in principle).
- [21/00197/IPM](#) A further planning permission in principle was approved on 11 June 2021, via a S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM.
- [23/00192/FLL](#) granted on 13.12.2023 for a change of use of vacant land to form EV charging hub and hydrogen refuelling station including provision of amenity kiosk, charging apparatus and associated works.

## **CONSULTATIONS**

18. As part of the planning application process the following bodies were consulted:

### **External**

#### **SEPA**

19. Object. A holding objection has been submitted as SEPA consider that the information associated with the application is insufficient to allow SEPA to determine the potential impact associated with flood risk. SEPA consider that any detailed Flood Risk Assessment (FRA) submitted to support a development within the Craigie Burn catchment must take account of (and be in step with) the Council's detailed Craigie Burn study. SEPA also note that the existing issues in the catchment require to be resolved before any further development takes place.

#### **Scottish Water (SW)**

20. No objection. However, advise that the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Although SW

advise that there is currently sufficient capacity in the Perth Water Treatment Works to service the proposed development. It is also advised that the proposed development will be serviced by Perth City Waste Water Treatment Works. SW suggest that the applicant completes a Pre-Development Enquiry (PDE) Form.

21. It is also advised that SW records indicate that they have infrastructure in proximity to the development and that the applicant must identify any potential conflicts with Scottish Water assets.

### **Transport Scotland (TS)**

22. No objection. TS do not anticipate that the proposed development will have a detrimental trunk road safety impact. However, conditions relating to the Employer Travel Pack, construction vehicles, a Travel Plan, drainage and lighting are recommended.

### **Internal**

#### **Environmental Health (Noise Odour)**

23. No objection. An air quality impact assessment, which considered traffic emissions was submitted and accepted. A construction dust risk assessment should also be undertaken, and any required mitigation measures should be included, controlled via condition.

#### **Contaminated Land**

24. No objection. Advise that the proposed development is on land believed to contain infilled ground of an unknown depth or nature. Therefore, consideration must be given to the suitability of the site for the proposed development. A condition is recommended that an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken.

#### **Transportation And Development**

25. No objection. Following of further information regarding parking provision for coaches and HGV's. Conditions are recommended relating to the design and delivery of the vehicle access onto Broxden Avenue, the submission of a Delivery Management Plan, cycle parking provision and a Construction Traffic Management Scheme. An informative regarding street lighting is also recommended.

#### **Structures and Flooding Team**

26. No Objection. Advise that there is no known risk of surface water flooding on the site during a 0.5% AP flood event, nor is there a history of incidences of flooding on the site. Furthermore, the site is not at risk from fluvial or coastal flooding due to its location inland and levels being raised significantly from the nearest watercourse. However, further information is required relating to the re-design of the attenuation tanks, an update on the micro-drainage calculation (as per NPF4) an amended plan

showing overland flow rates and that the measures identified in the Drainage Assessment are undertaken. It is recommended that conditions are included to cover these issues. The Council's Structures and Flooding Team are aware of the objection from SEPA and remain of the view that the development is acceptable in flooding terms.

#### **Development Contributions Officer**

27. No objection. However, given that the site is located in the Transport Contributions Zone, a contribution for both of the proposed Class 4 (£17,280) use and the proposed Class 3 (£26,012) use is required. This to be secured via a S75 legal agreement or other suitable mechanism.

#### **Commercial Waste Team**

28. No objection. Recommends that there is a central storage area for waste collection for each unit, to be covered by a condition. Informatives are also recommended relating to the loading and storage areas of the development.

#### **Development Plan Team**

29. No objection. Considered that the proposals are contrary to LDP2 Policy 7 and NFP4 Policies 22 and 27. Therefore, if this application is to be approved, a condition is recommended regarding the phased delivery of the Class 3 and Class 4 units.

#### **Earn Community Council**

30. The Community Council have objected to the proposed development on the following grounds
- Resulting increase in flood risk.
  - Increased traffic flow and, therefore, congestion.
  - Proposals are not in accordance with a "town centre first" approach as recommended by NPF4.
  - Resulting adverse impact on air quality.
  - Resulting unacceptable increase in the level of litter at this locality.

#### **REPRESENTATIONS**

31. Eight objections and fifteen submissions in support of the application were received. The main issues raised within objections are:
- Increase in flood risk for the surrounding area.
  - Loss of open space.
  - Over-development.
  - Over provision of car parking.
  - Adverse increase in traffic congestion.

These issues are addressed in the Appraisal section of the report.

32. The main points of support can be summarised as follows:

- Up to 100 new jobs for local people.
- Improved choice for local people and for motorists.

**ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted – Transport Assessment, Drainage Assessment, Air Quality Assessment

**APPRAISAL**

33. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council’s other approved policies and supplementary guidance.

34. In this instance, the determining issues are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

**Principle**

35. The proposal is for an office building with 2,000 square metres of Class 4 office use, and two café / restaurant (Class 3) units with 185 square metres of class 3 use and



including drive through lanes. Each would see car parking, landscaping / open space and ancillary works.

36. The site forms part of allocated site E2 in Local Development Plan 2019 (LDP2) for core employment uses (Classes 4, 5 and 6) with the following site-specific requirements:
- Flood Risk Assessment and Drainage Impact Assessment required which will define the open space which will be protected in perpetuity for flood risk reasons.
  - Flood Risk Assessment must demonstrate that development does not increase the risk of flooding elsewhere particularly downstream on the Craigie Burn.
  - Open space to also provide a green wedge into the city and links to the Green Belt.
  - Cycle paths, core paths and rights of way incorporated into Masterplan and designed to improve active transport links to Perth.
  - Enhancement of biodiversity and habitats
37. The E2 sites allocation currently allows for core employment uses, specifically Classes 4 (business use), 5 (general industrial use) and 6 (storage or distribution). In LDP2, core employment uses are defined in Policy 7A Employment and Mixed-Use Areas: Business & Industrial, which sets out the retention of Classes 4, 5 & 6 with only limited exceptions. The site is currently serviced for employment uses.
38. The proposed uses as part of this application are a combination of some class 3 units and an office block. The principle of the office block is fully compliant with the site allocation. However, the class 3 units proposed would not be supported under the exceptions provided for in criteria (d), (e) or (f) of LDP2 Policy 7A. Employment and Mixed-Use Areas: Business & Industrial.
39. LDP2 Policy 7A is a restrictive policy that retains land identified as core business and industrial land for only Class 4, 5 and 6 uses. It seeks to protect the supply of identified business and industrial land from being developed for alternative uses. The policy makes provision for three exceptions where retail uses, service facilities and waste management uses would be conditionally supported. These are set out in criteria (d), (e) and (f).
- In terms of criterion (d): no retail uses are proposed, nor ancillary to any other acceptable existing use. Therefore, this criterion is not applicable;
  - Criterion (e) is not applicable because it has thresholds limited to no more than 100 m<sup>2</sup> of floor space and cumulatively no more than 15% of the allocated area; and is conditional on serving the business and industrial area rather than drawing outside trade. Again, this criterion is not considered applicable; and
  - The proposed uses are not waste management facilities, so neither is criterion (f) applicable.
40. The class 3 elements of the proposed development is, therefore, not compliant with these exceptions and would require considerable justification as to why there is a material need for the uses proposed.

41. As set out, the proposal is for Class 3 and 4 uses. Both of these elements are compatible with the surrounding existing development with the established trunk road related services offering to the east and site allocation in LDP2. There are no residential uses adjacent or in influential proximity, and therefore there will be limited impact on residential amenity.
42. With respect to the criteria (a)-(g) of Policy 7A, given the lack of residential property or sensitive receptors nearby; the established character of the surroundings and the designated use of the site sets a precedent and context for uses of the nature proposed. The Transport Assessment demonstrates there is capacity on the existing road network to accommodate the proposals. With the Class 3 drive thru uses anticipated to primarily serve passing trade, with most trips already on the road network. The Class 4 uses will clearly generate a majority of new and associated vehicle journeys, but these can be accommodated on the network without unacceptable impact.
43. The National Planning Framework 4 Policy 27 City, Town, Local and Commercial Centres states that LDPs should, '*...also consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel.*' In this context LDP2, which pre-dates NPF4, does not identify locations for drive throughs. As such, drive throughs must be considered where they are compatible with neighbouring land uses with limited impact upon local living and sustainable travel also considering a sequential, town centre first approach.
44. The proposal is not for a retail use, and although a Class 3 drive through use could be considered to be a 'service' facility, they will occupy more than the 15% of the application site (if not the allocation) set out by criterion (e) and will draw trade not associated to the allocated uses to the site. Neither is the proposal for a waste management facility. Therefore, none of criteria (d), (e) or (f) are relevant to the proposal. Furthermore, there are no European designated sites of relevance to or would be influenced by the proposals criterion (g).
45. The site has been identified for Class 4 use through masterplans since 2001 and subsequent applications to confirm this and and bring forward various elements of the development through detailed applications, though the Class 4 uses have never been delivered. This, and the other current application, represent the first detailed planning applications for business use on the site. The length of time that the principle of Class 4 use has been established without a detailed proposal coming forward is considered to demonstrate that there has been difficulty in attracting developers to deliver only "employment" uses (such as the 4ha allocated under site E2). This is therefore a material consideration.
46. The mix of uses proposed would enable some Class 4 provision to potentially come forward. The Class 3 drive through units and their associated infrastructure occupy approximately 60% of the application site. On a broader scale, the application site accounts for less than 1% of the total employment land supply in Perth & Kinross (based on data from the 2022 Employment Land Audit). This is considered a minor

amount of land in this context, and one which will still generate alternative employment opportunities and economic benefit – associated to the site’s wider context.

47. Though the Class 3 drive through uses are not traditional “employment” uses, they would generate both employment and economic benefit. The Class 3 units also have the potential to make a significant contribution to both economic activity and employment generation, which may not be realised if options were limited to the allocated use classes. However, a Class 4 office block is proposed, which will not only create jobs but will provide space for local businesses to grow and operate. Likewise, the Class 3 uses will complement the existing trunk road service area at what is a key transport interchange in the national road network.
48. The proposal does accord with most provisions in Policy 7A, including that uses should complement surrounding character, impacts on the road network should be capable of being accommodated, there should be good active and public transport connectivity, and there no unacceptable impact on designated nature sites. It is regarded that though the proposed Class 3 use of part of the site does not accord with all criteria in the Policy, it does accord with the policy goals and ambitions to foster and facilitate employment and economic growth. Nonetheless, if any consent is granted, the class 4 uses should be conditioned to be delivered prior to, or alongside the class 3 uses. This will ensure the policy compatible employment use is delivered.
49. NPF4 Policy 27 City, Town, Local and Commercial Centres states: Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
  - i. will be supported in existing city, town, and local centres, and
  - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.’
50. Prior to the submission of the application, it was considered that Class 3 drive through units may not need to be scoped in terms of the sequential approach for town and city centres. After reviewing NPF Policy 27 however, it is considered that this aspect now requires to be assessed. As drive through proposals can be reasonably altered to restaurant provision, restaurant uses should be directed to the city centre which has significant vacancies due to retail contraction. Therefore, due to existing food and drink provision, this application and neighbouring application

23/00504/FLM could have a significant adverse effect on the vitality and viability of established centres.

51. NPF4 Policy 27 further states that: Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
  - i. Hot food takeaways, including permanently sited vans;
  - ii. Betting offices; and
  - iii. High interest money lending premises.
52. It is noted that a Class 3 drive-through use could have a number of different occupiers and not just limited to hot food takeaways.
53. Nonetheless, if any consent is granted, the class 4 uses should be conditioned to be delivered prior to, or alongside the class 3 uses. This will ensure some compatible employment land uses are delivered.
54. Although some of the proposed uses are contrary to the employment area designation, the proposed development will generate employment opportunities, stimulate further development in the area, and contribute to sustainable economic growth. Furthermore, Class 4 business units are proposed for the southeast portion of the site. While Class 3 units are still proposed, these are intended to complement the existing trunk road service area function of the surrounding area and are also intended to serve the employment function of the remainder of the site. Class 3 uses are recognised as having an employment functionality in themselves, the units do still accord with the criteria of the employment designation to provide jobs and economic activity. The proposed Class 3 uses are intended to appeal and cater to passing trade from the M90 and A9, with the drive through elements of these a key part of the facilities. It would not be appropriate for drive thru facilities targeting trunk road traffic to be in the City Centre or on its edge, and so this site is considered to be a suitable location for such uses given their nature and business model. It is also compatible with the neighbouring area where there are already drive-throughs present (McDonald's and Costa Coffee).
55. Furthermore, the proposed uses are not intended to challenge or compete with those in the City Centre. Given the nature of the location and its inherent suitability for such uses compared to other potential locations. The proposed development is thus considered to accord with NPF4 Policy 27. Overall, the proposal is regarded to accord with NPF4, given its emphasis on low carbon technology, local job creation, proximity to residential areas, accessibility by sustainable methods, and provision of business space. In respect of criterion d) of Policy 27, it is acknowledged that the Perth & Kinross Local Development Plan does not specifically support drive-through uses in this location.
56. The aims of criterion d) in NPF4 Policy 27 is regarded to relate to the perceived car-dominant nature of drive-through uses, and that they attract new vehicle trips that generate carbon emissions. However, in this instance, the site's location is

- directly next to existing trunk road infrastructure and is intended to cater to those passing this important transport node, and therefore largely intercepting existing trips on the road network at a point where minimal diversion would be required and linked visits to other nearby services could take place. It is estimated that approximately 40% of visits to the site will be from existing passing trade.
57. The proposal will not result in the complete loss land for designated employment purposes, with approximately 1/3 proposed to be used for Class 4 purposes. Therefore, it is considered that the slight deviation from LDP2 Policy 7A: Employment and Mixed Uses: Business and Industrial is acceptable
  58. Policy 26 Business and Industry of NPF4 is also applicable as the site is zoned for core employment uses (Class 4, 5 and 6). This policy is not as restrictive as Policy 7 of LDP2, in that it states that other employment uses (not business/industry) will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area. NPF4 Policy 26 supports the development of business and industrial uses on sites identified for those uses in the LDP. The site is allocated within the adopted Perth and Kinross LDP as 'E2 Broxden' for employment uses (core), thereby establishing the principle of locating core employment uses (Class 4, 5 and 6). Additionally, planning permission in principle exists for the site and wider area with an overarching masterplan which identifies the land containing the application site as an employment phase.
  59. The proposed development includes a bespoke new Class 4 office pavilion, comprising of approximately 1,858 sqm over 3 floors. As mentioned above the principle of this proposed office building is considered acceptable in terms of the Development Plan, this includes NPF Policy 26.
  60. In addition, the proposals include two Class 3 café and restaurant uses with associated drive through facilities. The units are identical in size, each being of 180 sqm. Policy 26 of NPF4 allows for other employment uses within areas identified for employment use, providing they do not prejudice the primary function of area and are compatible with the business and industrial character of the area. In this respect the proposed Café and restaurant uses would largely complement both the proposed class 4 office facility, in addition to the wider employment designation for the area. In terms of their compatibility with the business / industrial character of the area, which, it should be noted, has yet to be established. The character of the area is instead taken from the existing mix of hotel and restaurant, drive through, petrol station and park and ride use associated with the established Broxden services area.
  61. NPF4 contains specific policy advice on drive-through uses, highlighting that LDPs should consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel. Policy 27 states that Drive-through developments will only be supported where they are specifically supported in the LDP.

62. As a specific employment allocation, the primary LDP policy utilised to assess the principle of development is Policy 7: Employment and Mixed-Use Areas. This provides a list of criteria for all business and employment areas, in addition to areas specifically identified as 'core' business and industrial land, as is the case for the application site.
63. The proposed office development contained within Plot 2 is entirely compliant with the criteria of LDP Policy 7A: Business and Industrial. It will establish a Class 4 use on a site designated for this use, which can be accessed by both sustainable modes of transport, as well as the private car.
64. LDP2 Policy 7A contains provision for ancillary facilities to serve business and industrial areas. The proposed café and restaurant with drive-through facilities, occupying Plots 3 and 4, are very much envisaged as ancillary services to complement the primary function of the core business area designation, in line with criteria D of the policy.
65. Furthermore, both the café and restaurant will have a total ground floor area of approximately 180sqm. This is only a slight increase from the 100sqm stipulation in criteria E of LDP2 Policy 7A. However, when considered against the wider allocation, the E2 allocation identifies an area of 4ha, with a further 4.5ha of employment (core) uses allocated to Broxden, to the east of the E2 designation. The area of plots 3 and 4 combined equates to approximately 0.5ha, which only constitutes around 7.5% of the identified core employment land at Broxden, thereby falling well below the 15% threshold set out in LDP2 Policy 7A criteria E.
66. The character of the Broxden site is a services area with the wider site, around the zoned employment area, characterised by a range of uses including a hotel, restaurant, service station and the park and ride facility. In addition, the proposal comprises of 0.71 Ha of the wider 4 Ha zoned site and would not prejudice the primary function of the area, whilst being compatible with both the zoned site and the wider adjacent uses. Overall, the proposed development is in accordance with the relevant NPF4 policies and is a minor departure from the policies of LDP2, specifically in terms of the Class 3 uses.

### **Design and Layout**

67. The proposed development will primarily involve the erection of an office building (class 4) and two cafe/restaurant units (class 3) with drive through facilities, car parking, landscaping. NPF4 Policy 14: Design, Quality and Place supports development that is consistent with the six qualities of successful places ensuring they are: healthy; pleasant; connected; distinctive; sustainable and adaptable. LDP2 Policy 1A: Placemaking states that development must contribute positively to the quality of the surrounding built and natural environment and be planned and designed with due consideration to climate change, mitigation and adoption. Its siting and design should also respect the character and amenity of the place and improve links beyond the site, with new landscaping and planting incorporated.

68. The proposed development is sited on a relatively prominent site, which is elevated above a major transport interchange. It is well screened by existing trees and vegetation which line the banks to the north, west and southern boundaries along the A93 and M90.
69. The proposed office building consists of a simple rectangular block form, orientated on a north south axis with glazed feature entrance on the eastern elevation and flat cantilever roof design. The proposed materials feature natural stone base course, smooth render and timber cladding. The building will also incorporate a green living roof, to ensure sustainable biodiversity enhancement measures are built into the design.
70. The proposed café and restaurant buildings have been designed to complement the main office building. There will be single storey rectangular form units with mono-pitched roofs, finished in timber and composite cladding, contrasting render and a brickwork base course. Both drive throughs will also include stone feature walls and benefit from large, glazed sections. In terms of scale and massing, the proposed café and restaurant buildings will be subservient to the main office building. The development will result in the re-use of a vacant site, creating development which complements its surroundings. The development will be accessed safely via sustainable modes of travel, connecting through from the existing Broxden services and transport hub.
71. The site is well designed and utilises a variety of soft and hard landscaping areas. The landscaping scheme is also designed to enhance natural biodiversity and the overall visual character of the site. The layout and design of the proposed units are orientated onto the internal street and will overlook the street and car parking areas, thus promoting a sense of safety and surveillance.
72. A Planning Policy, Design and Access Statement has been submitted, which sets out the site appraisal and context as well as describing the design development concept and solution together with key principles. Therefore, the proposal complies with LDP 2 Policy 1A: Placemaking, Policy 2: Design Statements, NPF4 Policy 14: Design, Quality and Place.

### **Visual and Residential Amenity**

73. The site is within a wider area characterised by business uses, with the nearest dwellings to the site being more than 300m away. Due to the intervening distance, the proposal is not considered to detrimentally impact residential amenity. However, the applicant has submitted an Air Quality Impact Assessment (AQIA) in support of this application, given the site's location directly to the west of the existing Broxden hospitality, Park & Ride and roadside service units. The AQIA has assessed the predicted air quality impacts and their significance for the construction and operational stages of the developments. The risk of dust soiling is low for earthworks and negligible for construction. The risk of potential human health impacts is also low for earthworks and negligible for construction activities. In terms of air quality, PKC Environmental Health (Noise and Odour) Team have not submitted any objections to the proposed development. However, in order to

mitigate any adverse effects on air quality during the construction phase, a condition is included (Condition 5) that a Dust Management Plan is submitted for approval prior to works commencing on site.

74. In terms of visual amenity, the proposed development will enhance the character and appearance of the application site. The site is currently undeveloped brownfield land that is being marketed as a development opportunity. It has limited amenity value, and the proposals will improve this visually. However, given the potential of contamination because of the site's previous use, Condition 17 has been included to ensure that any contamination is identified and remediated against, prior to works commencing on site. The development will also turn a currently vacant site into one that provides jobs and economic activity. The provision of a landscaping scheme will also improve ecological outcomes on a site which currently has very limited biodiversity value. This will result in an overall improvement in the visual appearance of the application site.
75. The proposal is therefore considered to accord with the relevant policies of the LDP2 and NPF4 where they relate to respecting residential amenity.

### **Roads and Access**

76. LDP2 Policy 15: Public Access states that development proposals that would have an adverse impact upon the integrity of any (including proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted. In this instance, vehicular access to the site will be taken from Broxden Avenue via a mini roundabout to the east. A new internal road will be created to serve each of the 5 Plots (of which Plots 2, 3, and 4 relate to this application), providing vehicular access and will extend the footpath network into the sites allowing for pedestrian and cycle access. Plots 1, 2, 3 and 5 are all accessed via an internal roundabout junction. Plot 4 is accessed via the priority junction with Broxden Avenue. Condition 6 has been included to cover the formation of the vehicle access. A further condition (Condition 9) has been included to ensure that full details of the street lighting design are submitted.
77. LDP2 Policy 60A: Existing Infrastructure, states that the Plan identifies existing transport infrastructure and encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses. In this instance, the Transport Statement analysis has concluded that the proposed development will not have a significant impact on the operation of the Broxden roundabout. The applicant is proposing 76 vehicle parking spaces on the site, including two disability bays at each plot. The National Roads Development Guide specifies disability parking minimum standards of 3 bays or 6% of total capacity. The provision of disabled bays meets the minimum requirements of 6% of the total capacity. Furthermore, Condition 11 has been included to ensure that no water is drained onto the public roads.
78. The Transport Statement provided by the applicant states that Plots 3 and Plot 4 will each have 27 parking bays. In terms of the parking of non-servicing larger vehicles



and coaches within the site, the applicant has shown the provision of parking bays on the revised Site Plan, which is considered acceptable in terms of Roads Guidance. A condition has also been included (Condition 7) that a servicing hours/delivery service management plan is submitted. In order to ensure the correct and appropriate management of the site, Condition 10 has been included. This requires that a Construction Traffic Management Scheme is submitted for approval, prior to works commencing on site.

79. LDP2 Policy 60B: New Development Proposals states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular, sustainable modes of walking, cycling and public transport should be considered, prior to private car journeys. The location of the site is supported given the connectivity to public transport, the road network, including the Broxden roundabout, and to the core path network. In terms of cycling, the applicant shall provide secure, covered cycle parking in accordance with the National Roads Development Guide. Therefore, a condition (Condition 8) has been included, which states that the cycle parking and position of sheltered facilities will be agreed at the detailed design phase.
80. A further condition (Condition 12) has been included to ensure that a Travel Plan is submitted. In terms of pedestrian access, the applicant has demonstrated a proposed pavement connection to the wider pavement network to allow for walking and wheeling access to the site. In the interests of pedestrian safety, Condition 13 has been included, which will ensure that a safety barrier along the boundary of the trunk road to prevent access to the trunk road, is installed. Overall, it is considered that, subject to conditions, the proposed development is in accordance with LDP2 Policies 15, 60A, 60B and NPF4 Policies 13 and 14.

### **Drainage and Flooding**

81. LDP2 Policy 52: New Development and Flooding, states that the Council supports the delivery of the actions and objectives to avoid an overall increase, reduce overall, and manage flood risk as set out within the relevant SEPA Flood Risk Management Strategies and the Local Flood Risk Management Plans. In this instance, there is no known risk of surface water flooding on the site during a 0.5% AP flood event, nor is there a history of incidences of flooding on the site. There is no increase in land use vulnerability with the proposed development. Finally, the site is not at risk from fluvial or coastal flooding due to its location inland and raised significantly from the nearest watercourse. The applicant has resolved all previously raised issues by PKC Floods Team, through the submission of the Flood Risk Statement and Drainage Assessment.
82. Whilst PKC's internal structures and flooding team have no objection to the proposed development, SEPA have placed a holding objection on the basis that the Council's Craigie Burn Flood Study should be taken into consideration through the submitted information. However, the Council's own flood team, who are preparing this study, do not consider that particular study to be relevant to this proposal, hence why there is no recommendation for refusal on grounds of flood risk. If the Planning Committee are minded to agree with the recommendation to grant the

proposal, a notification request will be required to be sent to Scottish Ministers due to the SEPA holding objection.

83. LDP2 Policy 53B: Foul Drainage states that foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. the proposed development will connect to existing public sewer infrastructure to the east of the site, which is in place to support the development. Foul flows will discharge via new gravity drains and disconnection chambers to new foul sewers. The new foul sewers will tie into the existing foul sewer network to the east of the site. Furthermore, Scottish Water have confirmed that there is foul water capacity at The Perth City Waste Water Treatment Works.
84. LDP2 Policy 53C: Surface Water Drainage states that all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures including relevant temporary measures at the construction phase. In terms of the proposed development, the surface water discharge line ties into the Perth Flood Protection Scheme storage pond to the East of the development. Surface water run-off from the roof areas of each building will drain via a stone filter trench to new attenuation tanks within each of the plots. The tanks will discharge at a restricted rate via an outlet control manhole and disconnection chamber to new surface water sewers. The new sewers will tie into the existing surface water sewer network to the east of the site.
85. Surface water from the roads and parking areas within the development will shed to porous paving, gullies or grass swales, which will flow to the filter trenches and to the attenuation tanks within each plot. The tanks will discharge at a restricted rate via an outlet control manhole and disconnection chamber to new surface water sewers. The new sewers will tie into the existing surface water sewer network to the east of the site.
86. There are concerns regarding water run off effecting the Craigie Burn catchment area. The proposed drainage infrastructure for the development provides an improved solution by enabling site discharge to 2-year greenfield rates for all return periods, up to and including 1 in 200 year plus climate. This design should provide a modest reduction in discharge from the site for most rainfall events.
87. However, further clarification is required regarding the blockage risk with such a low discharge rate per attenuation tank. This being the case, and to ensure that the site is properly drained, conditions 14 and 15 have been added to ensure that a detailed SUDS scheme is submitted for approval prior to works commencing on –site. Further drainage / floods issues have been addressed by the inclusion of Condition 16. Therefore, subject to conditions, the proposed development is in accordance with LDP2 Policies 52 and 53C and NPF4 Policy 22.

### **Waste Collection**

88. Given that there is no provision for waste in this planning application, it is recommended that there is a central storage area for waste collection for each unit. In light of this, Condition 4 has been included to ensure the provision of such an

area for waste collection. Under the terms of the Waste (Scotland) Regulations 2012 and the 2014 amendment, businesses have a responsibility for the segregation of materials such as glass, metal, plastics, paper, and cardboard for recycling. It is, therefore, recommended that the proposed bin store is of sufficient size to accommodate the following:

- 4 x 1100L general (1280 x 980 x 1370mm)
- 4 x 1100L recycling (1280 x 980 x 1370mm)
- 4 x 240L food (585 x 740 x 1070mm)

89. In order for vehicles to access the building to collect waste, a sufficient turning space and hard standing at the collection point should be provided. This has been covered by the inclusion of informatives 11 and 12.

### **Natural Heritage and Biodiversity**

90. LDP2 Policy 40: Forestry, Woodland, and Trees states that tree surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where there are existing trees on a site. There will be a presumption in favour of protecting woodland resources. In this instance, it is considered that the proposed non-residential uses within both applications would not present a requirement for a substantial allocation of dedicated public open space over and above the proposed landscaping scheme. Furthermore, none of the existing trees are to be felled and a total of 20 new trees will be planted, along with three planting beds incorporating a mix of species.
91. LDP2 Policy 41: Biodiversity states that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not taking into account the ecosystems and natural processes in the area. In this instance, there are no designated / protected sites or habitats within the application site. However, a detailed landscaping scheme has been submitted that includes the planting of a wildflower meadow, which will enhance the overall biodiversity of the site and encourage birds and bees for the surrounding area. The proposed development is, therefore, in accordance with LDP2 Policies 40 and 41 and NPF4 Policies 1 and 2.

### **Developer Contributions**

92. It is anticipated that the contribution will be paid upfront rather than via Section 75 legal agreement. The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is located in the 'Full' Transport Infrastructure contributions zone. The additional costs to the applicants and time for processing legal agreements for the proposed development is not considered to be cost effective to either the Council or applicant. The contribution may be secured by way of a Section 75 Agreement. The applicant is liable for the Council's legal expense in addition to their own legal agreement option and the

process may take months to complete. If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to the occupation of the development.

93. The application form indicates that 1858 sqm of Class 4 Use and 360 sqm of Class 3 Use is proposed. The contribution rates are set out at 6.20 of the Supplementary Guidance. Class 4 Use is assessed under the 'Employment' category at £14 per sqm, and Class 3 Use is assessed under the 'Other Non-Residential' category at £48 per sqm. This being the case, the total applicable contribution for the Class 4 use is £26,012, and for the Class 3 Uses there is a total required contribution of £17,280.

### **Economic Impact**

94. It is anticipated that this equates to around 100 jobs and £6 million of investment, which should have positive impacts on the local economy, as well as stimulating further investment and delivery of the identified employment land at Broxden. There will also be some benefits through the construction stage of the development.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

95. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site plan, parking provision and drainage.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

96. It is anticipated that the contribution will be paid upfront rather than via Section 75 legal agreement. If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.

### **DIRECTION BY SCOTTISH MINISTERS**

97. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

98. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, but a minor departure to the adopted Local Development Plan 2 (2019), as the site is zoned for core employment uses and not all of the uses proposed are considered to be core employment. However, in this case, the class 3 uses proposed are considered to complement the existing character of the area and will ensure the delivery of the office block without being of detriment to the wider Perth City. The application is therefore recommended for approval.

99. Accordingly, the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

100. Approval, subject to the settlement of Developer Obligations and the following conditions.

### **Conditions and Reasons for Recommendation**

#### General

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. The construction of the office block hereby approved (as shown on plan 08 and 09) shall be completed prior to the occupation or bringing into use, whatever is the earlier, of the 2 class 3 cafe/ restaurant units as shown on plans 06 and 07.

Reason - To secure the provision of the office block on this allocated employment site.

4. Prior to works commencing on site, details of a central storage area for waste collection for each unit shall be submitted to, and for the written approval of, Perth and Kinross Council, as the Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the bringing in to use of any unit hereby approved.

Reason - To ensure sufficient waste collection for each unit.

#### Amenity

5. Prior to the commencement of development, a Construction Dust Management Plan shall be submitted for approval of the Planning Authority and once approved shall be adhered to throughout the construction stage. The CDMP shall include mitigation measures for the control of dust as outlined in Table 20 of the air quality assessment 'Proposed Mixed Development, land adjacent to Broxden Roundabout, Perth – Fairhurst' document reference R24.12052/1/JH dated 26 February 2024.

Reason - In the interests of air quality.

### Roads and Access

6. Prior to the development hereby approved being completed or brought into use, the vehicular access shown on the approved drawings shall be implemented and constructed in accordance with Perth & Kinross Council's Road Development Guide, using the Construction Type B from the Construction Details for Access Types, C, D and E. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

7. Prior to the first occupation of each element, the applicant shall provide, for approval by the Council as Roads Authority, a Service Management Plan detailing the plans for servicing and delivery operations, and timing, including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery. Thereafter, the approved plan shall be adhered to for the life of the development.

Reason - In the interests of road safety.

8. Prior to the first occupation of each element, a detailed design for a minimum of:
  - a) Plot 2: 26 secure, covered bays.
  - b) Plot 3: 8 secure cycle parking bays.
  - c) Plot 4: 8 secure cycle parking bays.

shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the occupation of each element.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

9. Prior to commencement of works, the street lighting design for adoptable areas must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented prior to the occupation of the first unit and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

10. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority,

in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

The TMS, as approved, shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

11. Prior to the commencement of development, the applicant shall submit survey work to demonstrate that the drainage system ensures a positive flow of water with no discharge onto the public road network. Thereafter, the agreed scheme shall be implemented in full to ensure no discharge onto the road network at any time.

Reason - In the interests of pedestrian and traffic safety.

12. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transportation and Development. The

TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the agreed scheme shall be implemented in full for the life of the development.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

13. Prior to the commencement of development details of a barrier along the boundary of the trunk road to prevent access to the trunk road shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The barrier, as agreed, shall be completed prior to the use of the development and maintained by the developer or subsequent owner of the land.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

#### Floods / Drainage

14. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in the SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

15. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

16. The measures identified in the revised Drainage Assessment (document 20 hereby approved) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented must be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - In order to take account of the flood risk of the adjacent sites close to the Glasgow Road (A93).



## Contaminated Land

17. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify:
- I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential ground contamination.

### **Justification**

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

### **Procedural Notes**

SEPA has submitted a holding objection to the proposed development, in relation to flood risk. However, it is recommended to approve this application contrary to SEPA's objection, and it is acknowledged that, if granted at Planning & Placemaking Committee, the application will have to be referred to the Scottish Ministers.

### **Informatives**

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
6. If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: <https://www.pkc.gov.uk/vehicleaccess>. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.
7. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. Guidance on the detailed design and positioning of the cycle storage can be sought from Transport Scotland's Cycling by Design 2021.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the e-Planning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>.
11. The refuse collection operative must have clear access to the bin storage area and where possible the surfaces must be a paved or hard finished, which must be smooth, where possible, without steps or kerbs with a minimum width of 1.5 metres and clear headroom of 2 metres.
12. Where a refuse vehicle is required to drive onto a site or to work under any structure there should be a minimum height clearance of 4.5 metres, with a minimum working area of 3.5 metres width by 4 metres length where the emptying of the containers will take place.
13. No work shall be commenced until an application for building warrant has been submitted and approved.
14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
16. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

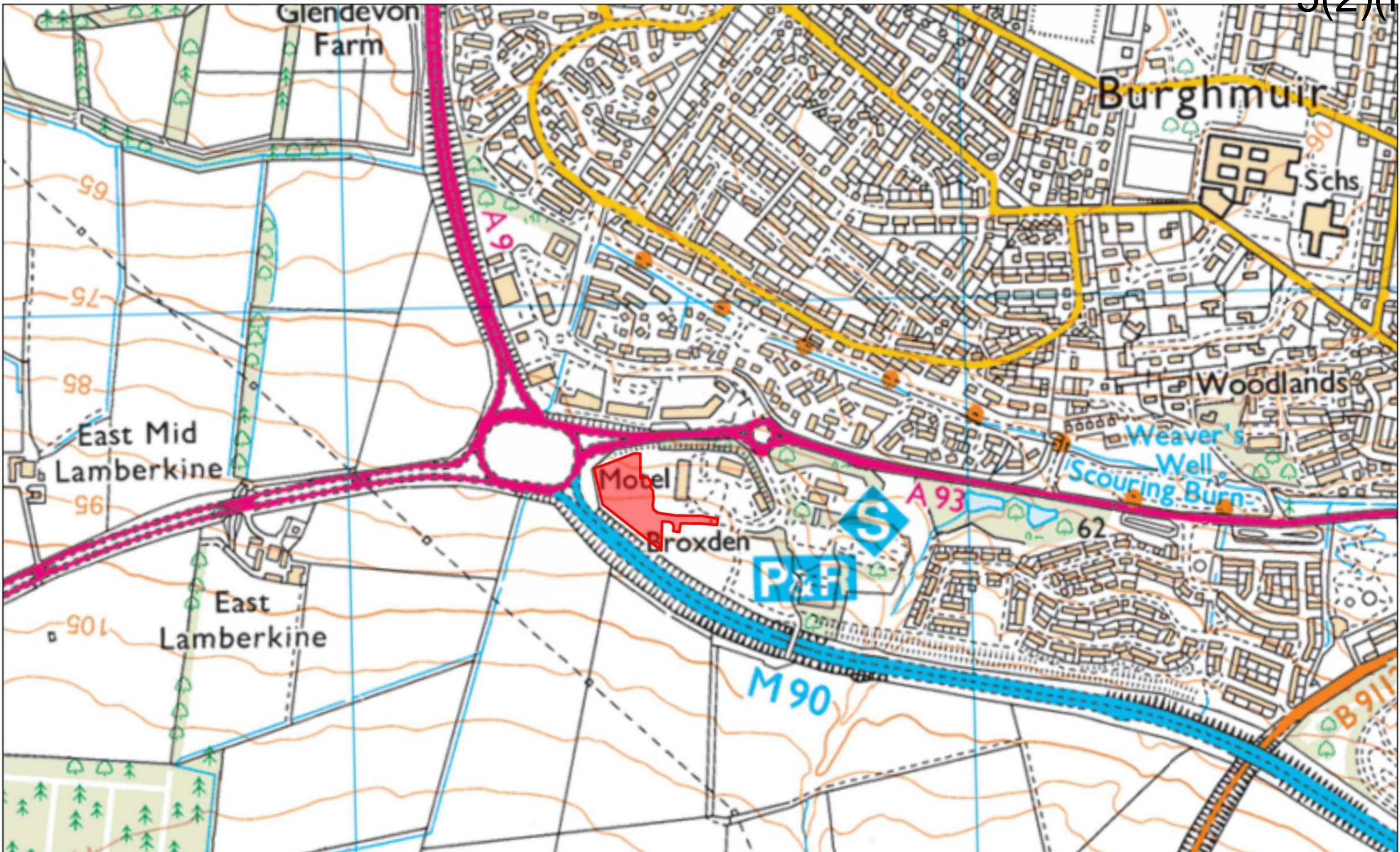
Background Papers: 8 letters of representation  
 Date: 26 April 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

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Planning and Placemaking Committee - 8 May 2024  
 Scale  
 1:10,000

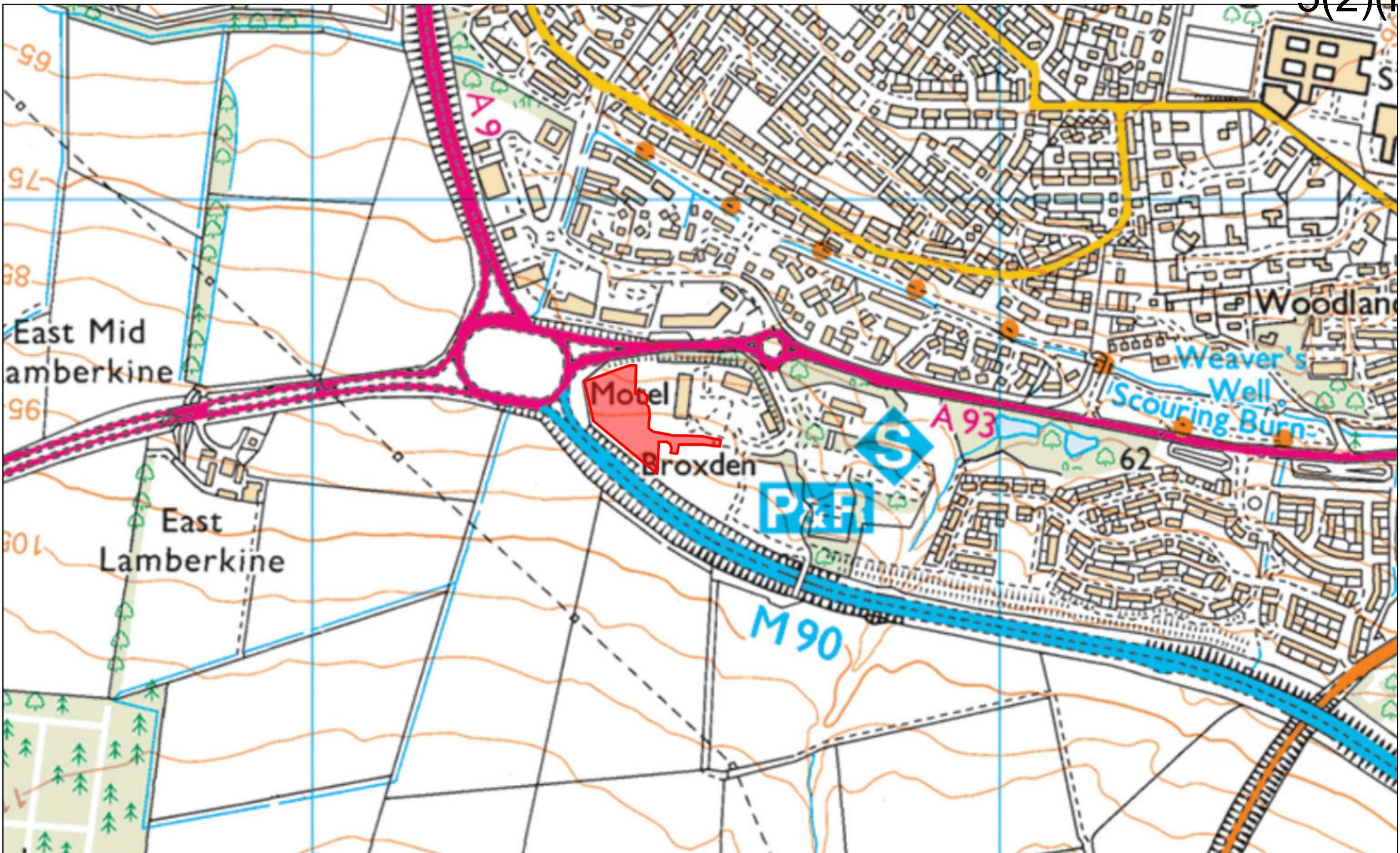
23/00193/FLL  
 Erection of office building (class 4) and two cafe/restaurant units (class 3) with drive through facilities, car parking, landscaping and associated works on land 100 metres South West of 5 Broxden Avenue, Perth











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