

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)

PROPOSAL:	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
LOCATION:	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 (m²) 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"> • Arboricultural Impact Assessment • Planning Supporting Statement • Air Quality Assessment Report • Socioeconomic Statement and Statement of Community Benefit • Archaeological Assessment • Ecological Constraints • Transport Technical Note • Low and Zero Carbon Report • Flood Risk Statement and Drainage Assessment • Biodiversity Action Plan • Arboricultural Assessment • Ecological Impact Assessment • Site Investigations • Geo-environmental Study • Landscape Planting and Maintenance Proposals • PAC Report

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 100m² 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. 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. 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. 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 and should be returned to 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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