

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

PROPOSAL: Erection of office building (Class 4) and two cafe/restaurant units (Class 3) with drive through facilities, car parking, landscaping and associated works

LOCATION: 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 m² 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. 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. 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. 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.

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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