

Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 23/355)

PROPOSAL:	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
LOCATION:	Land to the west of 5 Broxden Avenue, Perth

Ref. No: [23/00192/FLL](#)
Ward No: P10- Perth City South

Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to transportation as the development is considered to comply with the relevant provisions of NPF4 which is the most up to date policy position in relation to the provision of renewable energies and therefore justifies a departure from LDP2.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for the development of Plots 1 and 5 within the identified employment site 'E2 Broxden' located to the southwest of Perth, within the area associated with the Broxden Junction Services. It lies to the immediate west of the Travelodge hotel, which forms part of the wider provision and mix of services located off Broxden Avenue, including Broxden Manor Harvester restaurant, a MacDonald's drive through restaurant, in addition to the Perth Park & Ride facility and BP refuelling station located beyond.
- 2 The site lies at an important strategic transport intersection within Perth providing excellent transport connections to the Edinburgh, Glasgow and the south, Inverness to the north, as well as Dundee and Aberdeen to the north east. Accordingly, the character of the immediate surrounding area is typical to that of an established services area adjacent to the surrounding trunk road network.
- 3 The proposal is for an Electric Vehicle (EV) charging hub on Plot 1, to include 26 parking spaces with rapid charging infrastructure. The application also proposes the creation of a hydrogen refuelling facility with associated infrastructure on Plot 5. The EV charging hub and hydrogen refuelling facility will be operated by SSE Utility Solutions Limited, providing a sustainable, green energy hub aimed at tackling climate change through the provision of electric and hydrogen fuelling options for a range of zero emission vehicles.

- 4 There are two other applications under consideration with the E2 zoning 23/00193/FLL proposes the erection of a new office facility (Class 4) with associated car parking on Plot 2 and two cafés / restaurant (Class 3) units with additional drive through lanes on Plots 3 & 4. 23/00504/FLM proposes 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.

Pre-Application Consultation

- 5 Pre application Reference: No preapplication discussion.
- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; therefore, the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 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 following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 13: Sustainable Transport
 - Policy 22: Flood Risk and Water Management
 - Policy 26: Business and Industry
 - Policy 27: Retail

Perth and Kinross Local Development Plan 2

- 11 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 52: New Development and Flooding
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

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- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

13

Non-Statutory Guidance.

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport

National Roads Development Guide 2014

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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.

Site History

- 17 [11/00010/PAN](#) On 12 October 2011 for Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure
- 18 [12/01692/IPM](#) was Approved On 29 August 2013 for Mixed use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure (in principle)
- 19 [21/00197/IPM](#) was Approved On 11 June 2021 for S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM

CONSULTATIONS

- 20 As part of the planning application process the following bodies were consulted:

External

Health And Safety Executive

- 21 No objection to proposal, informative will be added to advise that a Hazardous Substance Consent may be required due to the hydrogen element of the proposal.

Transport Scotland

- 22 No objection to proposal, conditions required in relation to construction vehicle specification, wheel wash facilities, barriers, travel plan, lighting and drainage connections.

Internal

Structures And Flooding

- 23 No objection to proposal, additional information requested and condition regarding connection of surface water required.

Transportation And Development

- 24 No objection to proposal, standard Traffic Management Scheme condition required.

Development Contributions Officer

- 25 Contribution required in relation to transport infrastructure.

Representations

26 9 representations were received, all in objection to the proposals. The main issues raised within the representations are:

- Flood Risk
- Road Safety

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

ADDITIONAL STATEMENTS

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal 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

APPRAISAL

28 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.

29 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

30 This site lies within the E2 zoned core employment land allocation. The applicable policy is Policy 7: Employment and Mixed Used Areas: 7A Business and Industrial which sets out the use of these areas for Classes 4, 5 & 6 uses. It is important to retain employment land particularly this site which is serviced. Policy 7A (e) notes an exception for service facilities to serve the area and the

agent notes compliance with criteria however it is not the case as the proposal is likely to draw outside trade.

- 31 National Planning Framework 4 is the most up to date policy position and places a strong emphasis on tackling climate change and supporting renewable technologies (Policies 1, 2, 11 and 13). Policy 11 specifically supports the development of renewable energy, low carbon and zero emissions technologies, including hydrogen and carbon capture, encouraging the co-location of these technologies.
- 32 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.
- 33 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. In addition, the proposal comprises of 0.4 Ha of the wider 4 Ha zoned site and would not prejudice the primary function of the area and is a compatible use with both the zoned site and the wider adjacent uses. The provision of rapid and fast charging facilities is critical to facilitate a transition toward sustainable, lower emissions travel as advocated by NPF4.
- 34 A small commercial kiosk is proposed within Plot 5, which will act as an ancillary function, providing amenities to the primary adjacent sustainable refuelling uses. This will provide an area to purchase refreshments whilst the customer's vehicle is recharging / refuelling. Owing to the scale of the facility and direct linkage to the main sustainable refuelling facilities, it is maintained there would be no detrimental impacts posed to the retailing functions of the town centre or other identified centres within the city in respect of NPF4 Policy 27.
- 35 The site itself is an established and attractive employment land location at Broxden and has great access to the strategic road network. However, it is noted that this application takes advantage of its strengths, is for a complimentary use, and appears otherwise to be a suitable location for this type of proposal. Whilst is it contrary to the Development Plan it complies with NPF4 which provides the most up to date policy position.

Design and Layout

- 36 The proposal comprises of a limited scale of development, with only a small number of structures and apparatus to be erected to serve the EV charging hub and hydrogen refuelling station. This includes canopies for the charging stations, a small amenity kiosk and charging dispensary.

- 37 The finishes will be timber cladding with muted roofing materials. A sympathetic landscaping scheme will also be provided around the perimeter, incorporating trees and planting to soften the functional elements of the proposal.
- 38 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 39 The site is within a wider area characterised by business uses, the nearest dwellings to the site are in excess of 300m. Due to the intervening distance the proposal is not considered to detrimentally impact residential amenity.
- 40 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

- 41 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 the site each of providing vehicular access. The proposal will also extend the footpath network into the site allowing for pedestrian and cycle access. This will connect to a recently completed section of road to the east, approved under Planning Permission Ref: 20/01148/FLL, as enabling works to provide access to serve this area of allocated land.
- 42 The site is within close proximity to the trunk road network and the site could encourage increased trips on an off the road network increasing movements on Broxden roundabout.
- 43 The supporting information confirms that drivers charging their EV will likely do so as part of their normal daily journeys and will, therefore, not be 'new' trips on the road network which is accepted by Transport Scotland. Nevertheless, it is also accepted in the supporting Technical Note that there will be an element of pass-by and diverted trips which could have an impact on the surrounding road network.
- 44 To ensure a robust assessment, the pass-by and diverted trip generation for the EV charging hub has been considered as 80% usage of the total available EV / HV charging space during the AM and PM peak periods. This equates to 22 arrivals and 22 departures in the AM and PM peak periods. The Technical Note assumes a 10% reduction in trip generation to account for the high likelihood of shared / linked trips between the different land uses within the proposed development.

- 45 Transport Scotland request conditions to cover the construction process and operation of the site. (Conditions 2 -7) As such, the current proposal is acceptable in terms of roads and access and accords with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 46 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.
- 47 A Drainage Assessment has been submitted in support of this application. The report confirms that the site will connect to the existing public water supply and the public sewer infrastructure to the east of the site.
- 48 The Surface water run-off from the roof area will drain via a stone filter trench to a new attenuation tank within each plot. 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.
- 49 The Flood Team have reviewed the information submitted and agree with the basis of the strategy provided, the climate change uplift used in the micro drainage calculation has now been updated to 39% as per NPF4.
- 50 The attenuation tank/s are now designed to accommodate the necessary volume so that discharge is restricted to 1 l/sec, which is minimum practically achievable rate, for all return periods up to 200yr +CC. The Flood Team acknowledge that this is marginally higher than the calculated 2yr greenfield run-off rate, however as the rate is throttled to this figure for all subsequent return periods, they believe this is a practical solution. A plan showing overland flow routes expected should a flood event exceed the 200yr CC design standard has been provided.
- 51 The surface water discharge line ties into the Perth Flood Protection Scheme storage pond to the East of the development. A condition will be added to confirm the arrangement for this discharge and/or agreement from Scottish Water regarding the connection to their system. (Condition 8).
- 52 Subject to these conditions the proposal is considered to comply with the requirements of Policies 52 and 53 of LDP2 and Policy 22 of NPF4.

Developer Contributions

- 53 The Council 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.
- 54 The site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance)
- 55 The application form indicates a Class 1 (food) kiosk will be delivered as part of the proposals. Par 6.8 of the guidance states that the 'retail' rate will apply to any trading space, and the 'employment' rate to non-trading space. The trading space has been stated as 40sqm and non-trading space as 17sqm. A contribution of £6,398 is required and it is anticipated that this will be paid upfront rather than secured by legal agreement.

Economic Impact

- 56 The development will contribute to renewable and sustainable transport targets.

VARIATION OF APPLICATION UNDER SECTION 32A

- 57 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 58 It is anticipated that the contribution will be paid upfront rather than via Section 75 legal agreement.

DIRECTION BY SCOTTISH MINISTERS

- 59 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

- 60 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 contrary to the adopted Local Development Plan 2 (2019) as the site is zoned for core employment uses. In this case as NPF4 represents the most up to date policy position where hydrogen is noted as particular area of support Policy 11 Energy and as stated in Policy 26 Business and Industry (c) other employment uses will be supported where they do not prejudice the primary function of the area and are compatible with the business industrial character of the area. It is

considered therefore that the small scale of the development and compatible use in a justifiable location provides adequate justification to outweigh the departure from LDP2.

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

RECOMMENDATION

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

Conditions and Reasons for Recommendation

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

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

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

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

3. Prior to the occupation or use of any part of the development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Council as Planning Authority, after in consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

4. 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 of a type approved by the Council as Planning Authority, after in consultation with Transport Scotland as the Trunk Road Authority. The barrier as agreed shall be provided completed prior to the use of the development and shall be maintained by the developer or subsequent owner of the land. along the boundary of the site with the trunk road.

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.

5. Prior to the commencement of any works development on site, details of the lighting within the site shall be submitted for the approval of the Council as Planning Authority, after in consultation with Transport Scotland as the Trunk Road Authority. Thereafter the lighting as approved shall be implemented prior to bringing into use of the development.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

6. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

7. Prior to the commencement of the development hereby approved, the developer 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 including confirmation that all vehicles transporting construction material to and from the proposed development shall be sheeted.

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

Reason: In the interest of proper site management.

8. Prior to the commencement of development confirmation of the surface water discharge line connection shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with the Flood Team. This shall consist of the original arrangement for this discharge and/or agreement from Scottish Water regarding the connection to their system. The connection as agreed shall be implemented as part of the development the site and operational prior to the use of the development hereby approved.

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

B JUSTIFICATION

The proposal is in not accordance with LDP2 but complies with NPF4 and is considered to be a justified minor departure from LPD2.

C PROCEDURAL NOTES

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

D 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. 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 Environmental Protection Agency.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. 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.

5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>

Background Papers: 9 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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