

Perth and Kinross Council  
Development Control Committee – 10 December 2014  
Report of Handling by Development Quality Manager

Erection of a restaurant and pub with associated staff accommodation, coffee drive thru, car parking, landscaping and servicing, land 70 Metres North West Of Earn House, Lamberkine Drive, Perth

Ref. No: 14/01356/FLL  
Ward No: 10 – Perth City South

**Summary**

This report recommends approval of the application for erection of a restaurant and pub with associated staff accommodation, coffee drive thru, car parking, landscaping and servicing as whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Perth and Kinross Council Local Development Plan 2014, it will generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located at Broxden Business Park, Perth. Broxden Business Park has several established office units, and expansion is proposed on land to the west and north of the developed area, adjacent to the A9. The site is located in the south of the planned area of expansion, sandwiched between the A9 and Lamberkine Drive. Existing road infrastructure is in place within the business park from which access will be taken into the site.
- 2 The surrounding area comprises a mix of uses. The developed area of Broxden Business Park is located to the immediate east of the application site and comprises several modern office buildings, associated parking and landscaping. A further building, the Broxden Dental Centre, is located north of the site, separated from the site by vacant land.
- 3 A residential area is located to the north east of the site and is visually separated from the site by a strip of maturing landscape which includes trees and shrubs, and a row of young trees which have been provided as part of the business park's landscaping.
- 4 Broxden Services is located to the south east of the site on the southern side of the A93. This includes an Esso petrol filling station, Travelodge hotel, McDonald's restaurant and Harvester restaurant. A Park & Ride facility is located to the immediate south of the petrol filling station.
- 5 The proposal is to erect a public house/restaurant building on the east side of the site, adjacent to the Balhousie Care Group office building. The design of

the building has been altered during the assessment of the application and now proposes a relatively contemporary design with the principle elevations facing the A9 and into the proposed car parking area to the west and onto the Lamberkine Drive, with a secondary elevation proposed to face east towards the proposed enclosed service yard and adjacent office building. The finishing materials include a mixture of render, facing brick work, rock panel (timber effect cladding) and a grey curved metal profile roof. The building is proposed over two levels with the ground floor of the building proposed to accommodate a customer welcome area, customer seating, bar area, kitchen, servery, toilets, storage facilities, party/meeting area and children's play area. The upper floor of the building comprises 2 staff apartments, one indicated for the manager and one for the assistant manager. The remainder of the 1st floor is occupied by staff facilities and a plant room.

- 6 One of the staff apartments is proposed to have two bedrooms, a lounge, kitchen, dining area and a study (which could also be used as a third bedroom). The second apartment is to have one bedroom with an open plan kitchen, dining area and a shower room.
- 7 The proposed coffee outlet building is to be located on the north west corner of the site adjacent to the proposed access into the site. It is proposed to be of contemporary design with an anthracite grey roof and wall cladding which will curve over the entire building. Large areas of fenestration are proposed on the east and north elevations with a drive thru window proposed on the west elevation. The building is to be finished in the corporate colours of the coffee company. Internally the building is proposed to have a server area for walk in and drive thru customers, customer seating, toilet facilities and staff facilities.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Council Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 10 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Council Local Development Plan 2014**

- 11 The Perth and Kinross Council Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal policies are, in summary:
- 13 **Policy PM1A - Placemaking**  
Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.
- 14 **Policy PM1B - Placemaking**  
All proposals should meet all eight of the placemaking criteria.
- 15 **Policy PM3 - Infrastructure Contributions**  
Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.
- 16 **Policy ED1A - Employment and Mixed Use Areas**  
Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.
- 17 **Policy TA1B - Transport Standards and Accessibility Requirements**  
Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.
- 18 **Policy NE3 - Biodiversity**  
All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.
- 19 **Policy EP5 - Nuisance from Artificial Light and Light**  
Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

20 **Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

21 **Policy EP11 - Air Quality Management Areas**

Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

22 **Policy EP12 - Contaminated Land**

The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

## **OTHER POLICIES**

23 **Supplementary Guidance Development Contributions Transport Infrastructure August 2014**

## **SITE HISTORY**

- 24 07/02592/FUL Erection of a 3 storey headquarters office building with ancillary car parking and access roads plot 4 – Approved April 2008 and partially implemented on site due to formation of access road.

## **CONSULTATIONS**

### **EXTERNAL**

- 25 **Transport Scotland** – No objection subject to conditions
- 26 **Scottish Water** – No objection

### **INTERNAL**

- 27 **Contaminated Land Officer** – condition recommended to deal with potential contaminated land.
- 28 **Environmental Health** – Air Quality Assessment required – now submitted and details considered acceptable subject to condition. Condition regarding delivery hours also recommended.
- 29 **Transport Planning** – addendum to Transport Statement requested – now submitted and considered acceptable.

- 30 **Developer Contributions Officer** – contribution of £44,505 required towards transport infrastructure to meet requirements of Policy PM3 of LDP.
- 31 **Strategic Planning and Policy** – The main policy consideration is Policy ED1, which states that areas identified for employment uses (which includes this application site) should be retained for such uses. In addition the policy lists criteria to be applied to development proposals in these areas. Balance to be struck in assessment between policy and economic value of proposal.

## REPRESENTATIONS

- 32 A total of nine letters of representation were received during the first advertisement period for the application, all of which objected to the proposal:

The representations have raised the following relevant issues: -

- Contrary to Development Plan
  - Inappropriate land use
  - Noise pollution
  - Road Safety/traffic
  - Litter
  - Impact on environment
  - Residential amenity
  - Design
  - Landscaping
  - Walking/bicycle routes to/from site
  - Waste storage and collection
  - Flooding
  - Drainage
  - Community engagement
  - Need for proposal given adjacent uses at Broxden services
- 33 Following receipt of additional information and revised plans for the pub/restaurant building a second period of advertisement and neighbour notification for the application was carried out. A further two letters of representation were received from households who had also objected during the first period of advertisement and raises similar issues to those listed above.
- 34 The sale of the land by the Council is not a relevant material planning consideration.
- 35 These relevant issues are all raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

36

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Yes
Report on Impact or Potential Impact	Transport Statement, Drainage Statement, Economic Impact Statement, Market Commentary, Habitat Survey and Ground Investigation Report submitted

## APPRAISAL

### Policy Appraisal

- 37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy in terms of the principle of the proposal is Policy ED1A Employment and Mixed Use Areas. This states that areas identified for employment uses shall be retained for such use. Development within these areas must be compatible with surrounding land uses. The policy also identifies a number of criteria which all development should be assessed against and these will be considered in detail within this report. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### Principle

- 38 As outlined above Policy ED1A relates to employment and mixed use areas. It states that development must be compatible with surrounding land uses. It is noted that the original intentions for this site and surrounding plots are for Class 4 office uses and it is evident that the adjacent plots to the east are occupied by office development. The site has been marketed for some time by Perth and Kinross Council. Some market commentary has been provided which indicates that the vast majority of enquiries received regarding this site related to employment uses such as dental or veterinary practices or nursery use and that there has been limited interest from office owner occupiers. The

commentary states that there has been high demand for alternative complimentary uses such as a pub/restaurant and coffee shop which is intended to provide supporting services to the wider business park.

- 39 In principle it is my view that this proposal is contrary to Policy ED1A of the LDP as the intentions for this site are to provide office based development, however part of this assessment is to consider whether there are sufficient reasons to depart from policy in this instance. It is noted that direct approaches were made to office developers, potential office owner/occupiers and to serviced office operators; and that while there was general interest, financial or other considerations ruled out progression of a specific interest. It is clear that a balance requires to be struck between waiting longer for an end user which would meet the terms of Policy ED1 and supporting this alternative use which brings economic development to the site and the City.
- 40 Scottish Planning Policy (SSP) states that Planning Authorities need to adopt a flexible approach to ensure changing circumstances are accommodated for new economic opportunities to be realised. It is evident from the marketing information submitted that the site has been on the market for a period of three years with limited interest from Class 4 operators. It should also be noted that there is an extant consent for a Class 4 use on the site (07/02592/FUL) but this has still failed to generate any strong interest from Class 4 operators. It could therefore be argued that there is scope to provide an alternative, complimentary use on the site which will ensure the site is occupied and serve to encourage the redevelopment of the remainder of the vacant plots adjacent.

### **Economic Impact**

- 41 An Economic Impact Statement (EIS) accompanies the application. One of the main elements of the LDP is to deliver sustainable economic growth to Perth and Kinross and the provision of employment land is a key element in the delivery of this. It encourages sustainability and sites where new employment allocations are proposed to be linked to residential areas and the public transport network.
- 42 The applicant argues that the proposed development will complement the existing business park development by providing associated facilities which will be within easy access of the existing office developments and will also help to potentially encourage the development of the remaining lots within the business park. It goes on to emphasise the applicant is committed to employ and train local people on the site.
- 43 The National Planning Framework 3 (2014) and Scottish Planning Policy (2014) requires local authorities to apportion appropriate weight on the economic growth implications of development proposals within the planning system and incorporate a presumption in favour of economic development. In this instance I believe the restaurant/public house and coffee outlet will act as a complementary use to the established office uses and nearby residential area. It is noted from the evidence submitted that the demand for owner/occupier

office uses on this site is limited and this proposal presents an opportunity for the site to be developed by a use which does complement the existing uses and provides benefit to the local economy through job creation. Furthermore it will provide additional amenity to the business park and nearby residential area, together with attracting passing trade from the nearby trunk road network and will potentially stimulate demand from investors in other vacant parcels of land at the business park.

- 44 There will also be economic benefit associated with the construction phase of the development which is outlined in detail within the Economic Impact Statement (EIS). Furthermore there will be associated indirect benefits from construction with materials, goods and services being required.

### Employment

- 45 The application indicates that the proposed public house/restaurant will generate 40 jobs, of which 26 will be full time staff. As such the proposal generates 33 full time equivalent (FTE) jobs.
- 46 The proposed coffee outlet is expected to generate 20 jobs of which 10 will be full time. This equates to 15 full time equivalent jobs.
- 47 The EIS concludes that the operational phase of the development is estimated to have the following impacts:
- Provision of 48 FTE direct jobs within the proposed development.
  - Taking additionality factors into account, employment generation could rise to a total of 63 FTE jobs (direct, indirect and induced) within the Scottish economy.
  - £1.8 million annual contribution to productivity (GVA) within the Scottish economy once fully operational; and
  - Circa £50,000 in additional business rate revenue per annum, of which at least 50% or £25,000 could be retained by Perth and Kinross Council.
- 48 It is therefore evident that the proposed development will contribute significantly to economic growth within Perth and Kinross and be of benefit as a whole to the local economy. As such the proposal is considered to meet the overarching requirements of the NPF 3 and SPP 2014 in regard to sustainable economic growth. Whilst the proposal does not specifically relate to the established uses within the existing business park it will provide a complementary facility and also cater for the nearby residential area. Given the location of the development it is also considered to serve a specific catchment and will therefore not have any significant detrimental impact on the city centre where similar uses exist. As such this type of use within an area designated for employment uses is considered to be appropriate in this particular instance. As outlined above Policy ED1A requires the proposal to meet a number of criteria in relation to issues such as residential amenity,



access and transport, sustainable transport links, and bio diversity. Each of these criteria and other relevant issues will be assessed in detail in the paragraphs below.

### **Residential Amenity (Noise)**

- 49 Policy ED1A requires proposals not to detract from the amenity of adjacent residential areas. Similarly Policy EP8 refers to noise pollution and states that there is a presumption against the siting of development which is likely to generate a high level of noise adjacent to noise sensitive land uses. Policy PM1A also requires development to respect the amenity of the place where development is proposed. The proposed public house/restaurant will generate noise and there are noise sensitive residential properties located to the north east on Coldstream Avenue. These houses are separated from the application site by Lamberkine Drive and a landscape belt. There is likely to be a relatively high level of background noise at this site due to the adjacent Broxden roundabout and motorway network and as such I believe noise levels generated by plant and machinery associated with the development are unlikely to be of a level which would result in disturbance to neighbouring residential properties. Furthermore the level of noise from this equipment can be adequately controlled by using a condition on any consent given. Similarly a condition can control the times for deliveries to both the proposed restaurant and public house and to the drive thru coffee outlet to ensure these do not take place at times which would cause disturbance to residents.
- 50 Initially the Council's Environmental Health Officer recommended a condition restricting delivery times to 0700 to 1900 hrs Monday to Saturday with no deliveries on Sundays. The applicant requested that these be extended to 0600 to 2300 Monday to Saturdays and 0600 to 2200 on Sundays in order to fit in with the relevant delivery schedules for each company. Given the proximity to residential properties I am concerned that these suggested delivery times would extend the timescale for potential disturbance from delivery vehicles and effectively result in deliveries occurring at all hours when an individual is likely to be awake. This was discussed further with Environmental Health and it was agreed that allowing for deliveries on a Sunday could be accommodated between 0900 and 1700hrs. Given the nature of the site this is considered an appropriate timescale for deliveries in order to protect the amenity of residents.
- 51 The proposed delivery and service yard is located on the eastern side of the building in the corner of the site and will be partially enclosed by the proposed building and the adjacent office building. The distance of the delivery and service area from the residential properties (approximately 80 metres) will also help to negate any noise impact.
- 52 The proposed beer garden area for the pub is located on the south side of the site facing Broxden Roundabout. Given its position facing away from the residential properties, close to the road network with its associated background noise level and given it is approximately 100 metres away I am satisfied that

noise from people using the garden will not be of a level which would disturb residents.

### **Anti-Social Behaviour/Litter**

- 53 I appreciate that this type of use often results in local anxiety, mostly relating to anti-social behaviour, noise outside the premise and litter issues, however these matters do not normally fall within the controls of planning and are not considered to be valid material considerations. There is no certainty that the proposed use would give rise to such problems or alter the status quo significantly. In any case I consider Perth and Kinross Council and other appropriate bodies, such as the police, have separate statutory duties to investigate any such problems and to take appropriate action to control these issues where they are found to exist.

### **Access/Traffic/Transport**

- 54 Policy TA1B of the LDP requires new development to be well served and easily accessible by all modes of transport. A Transport Statement accompanies the application. This provides an assessment of the impact of the proposed development on the local road network together with the adjacent trunk road network. It also provides a consideration of the proposed parking arrangements, particularly given the concerns expressed by residents regarding the limited parking facilities which exist for the adjacent office uses and the parking which previously occurred within the neighbouring residential area.

### **Parking/Trip Generation**

- 55 The site plan indicates a total of 97 car parking spaces, including three disabled bays for the public house/restaurant and two disabled bays for the coffee outlet. The main area of car parking is to be situated between both buildings to allow the area to be shared by both premises. The applicant's agent has prepared a Transport Statement which outlines the likely trip generations created by the proposed public house/restaurant element and the coffee facility.
- 56 Having consulted with the Council's Transport Planners it is considered that the level of car parking proposed would meet the Council's requirements based upon the floor area of the proposed buildings.
- 57 The Transport Statement (TS) which accompanies the application indicates the likely trip generations associated with the proposal. The proposed public house/restaurant is proposed to result in 100 generated trips in total during a weekday PM peak and on a Saturday peak it will generate 84 trips in total. The TS ascertains that the majority of trips to the site will be made by car with a small percentage walking. Following discussions with Transport Planning it was agreed that it is likely that a higher percentage of people will walk to the site (particularly the coffee outlet) given the facilities available and the nearby

residential and office uses. An addendum to the TS has been submitted by the applicant acknowledging this.

- 58 It should be noted that this development is replacing an extant office based consent which would have generated its own car use and it is likely that a higher percentage of people would access this proposed development by walking than the existing consent given the nature of the proposal and it serving as an amenity to the business park and nearby residential area. The type of development is also likely to allow trips to be spread out more evenly throughout the day rather than being focussed on AM and PM weekday peak periods. It is noted that the proposal will generate more weekend traffic, but the existing road network is considered to be capable of accommodating this traffic during the weekend, particularly given that the adjacent office uses will be less busy during the weekend.

#### Servicing

- 59 As outlined above a designated service area is proposed on the eastern side of the site with access taken through the proposed car parking area for the wider development. There is adequate room within the site to accommodate service vehicles and a swept path analysis has been provided to demonstrate this.

#### Cycling

- 60 There is a local SUStans cycling route which begins at Lamberkine Drive and follows a mainly traffic free route to the junction of the A93 and B9112. This route is located to the north of the development site along Lamberkine Drive. In order to cater for cyclists on the site I intend to recommend a condition to ensure adequate covered cycle parking facilities are provided on site.

#### Walking

- 61 There is an existing footpath along the north and south sides of Lamberkine Drive which the development will connect into utilising a new footpath into the north side of the site. The existing footpaths on Lamberkine Drive will connect into the wider footpath network serving the surrounding area and Perth. The proposed coffee outlet, in particular, is likely to generate pedestrian footfall from both the adjacent offices and residential area. As such pedestrian access to the site is considered to be well catered for.

#### Public Transport

- 62 There are two bus stops, one on Lamberkine Drive (to the east) and one on Cedar Drive (to the north) within close proximity to the site which provide frequent links to the city centre and Scone. These are both located within the recognised 400 metre walking distance threshold from the application site. There are also bus stops on Glasgow Road which provide services to Auchterarder and cater for Citylink services, which, whilst outwith the 400m

threshold walking distance could potentially be used for employees to get to and from the application site.

### Travel Plan

- 63 Following discussions with Transport Planning a Travel Plan is to be prepared which outlines the proposed travel arrangements for staff who will utilise the development should consent be granted. This can be requested through a suitably worded planning condition.

### Trunk Road Network

- 64 The A9 trunk road is located to the west of the site which connects onto the Broxden Roundabout which has links to the M90 to Edinburgh, A9 to Stirling and A90 to Dundee. The application site is therefore considered to be well catered for in terms of vehicular access. Transport Scotland has been consulted on the proposal in terms of potential impact on the trunk road network and offered no objection subject to conditions which protect the existing trunk road network. These include the provision of an unclimbable barrier and screening between the site and the trunk road which has now been added to the layout plan. The other conditions recommended include ensuring lighting does not spill onto the trunk road and ensuring that no drainage is connected to the trunk road drainage system and that no advertising signs are erected. The display of signage is controlled by separate Display of Advertisement regulations and therefore it is not considered necessary for a condition to be imposed in that regard.

- 65 The proposal is therefore considered to comply with the requirements of Policy TA1B of the LDP.

### **Waste Collection**

- 66 A service yard and bin storage area are proposed on the eastern side of the site which will provide adequate access for refuse vehicles to enter the site in a forward gear.

### **Drainage**

- 67 A Sustainable Urban Drainage System (SUDS) is proposed with surface water run off from external hard surfaces draining to stone attenuation chambers via permeable paving within the car parking areas and filter trenches and controlled discharge, after treatment, is proposed to a nearby water course. The site is proposed to connect to the public waste water drainage system. The proposed drainage arrangements are considered to meet the requirements of the LDP.

## Design/Layout

### Public House/Restaurant

- 68 The proposed restaurant and pub building was initially proposed to have a “traditional” farm house style appearance. The business park location is characterised by more contemporary designs with flat roofs and high quality materials. Further discussion with the applicant then took place to establish an alternative design for the building. The applicant advised that they have a contemporary model which has been used on sites elsewhere in the UK. The plans have now been revised with this contemporary design now proposed and neighbours re-notified of this change. The floor plan and layout of the building remains similar to the original proposal but the external appearance of the building has been altered considerably. The proposal now includes a mixture of a flat roof and curved pitched roofs with a more contemporary palette of materials including render, timber effect cladding, grey windows and a sarnifill finished roof. The revised design is considered to relate more successfully to the adjacent contemporary office buildings.
- 69 The building is proposed to have varying ridge heights which will help to break up its overall mass. The tallest part of the building, which is located in the north east corner of the building and will act as the main pedestrian access into the building is to be 8.7m in height. It will act as the focal point for the building with all other elements having a lower ridge height. The adjacent office building is approximately 10.8m tall at its highest point with the section of office adjacent to this application site being 8.2m tall - as such the height of the proposed building is considered to relate successfully to this.
- 70 The principle elevations of the building are proposed to face north and east. The orientation of the building is considered to be appropriate with the principle elevations facing the main approaches to the building from the local road network on Lamberkine Drive but also towards the south bound A9 trunk road. The position of the restaurant/public house in the south corner of the site allows it to relate to the building line established by the adjacent office buildings. As the site acts as a corner plot within the wider development, I believe the positioning and orientation of the building works successfully, enabling the building to relate to both the road network and the building line of the offices.
- 71 The elevations indicate that signage is proposed on various elevations. Any display of advertisement will be subject to a separate application for Display of Advertisement Consent and is therefore not under consideration here. An informative is recommended to make the applicant aware of this.
- 72 The secondary elevation of the building faces east towards the proposed service area. This will be the least visible elevation of the building given that it faces the adjacent office building. I intend to request details of the proposed finishing materials through a planning condition. I am satisfied that the design

of the proposed building meets the requirements of Policy PM1B which relates to Placemaking and requires development to relate to the area in terms of appearance, height, scale, massing, materials, finishes and colours.

### **Air Quality**

- 73 The application site is located within the Perth Air Quality Management Area where policy EP11 of the LDP applies. This states that development proposals which will affect air quality may not be permitted. As such an Air Quality Assessment has been submitted by the applicant. Environmental Health has confirmed that they are satisfied with the assessment made and that the proposed development will not adversely affect air quality.

### **Developer Contributions**

- 74 Policy PM3 of the LDP refers to infrastructure contributions and states that contributions will be sought where the development is considered to generate additional impact on local infrastructure. In this instance the Council's Transport Infrastructure Development Contributions Supplementary Guidance applies which 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.
- 75 This site is within the Perth Core Area and it falls under the 'Other non-residential' use category which seeks a contribution of £43 per m<sup>2</sup>.
- 76 The revised submitted plans identify the Gross Internal Area of the development as 1,035m<sup>2</sup>. This comprises of the drive thru coffee building at 167m<sup>2</sup> and the Pub/Restaurant at 868m<sup>2</sup>. The total contribution required therefore equates to £44,505 (1,035m<sup>2</sup> x £43 = £44,505).
- 77 The applicant wishes to enter into a Section 75 Legal Agreement to pay the required contribution.

### **Bio Diversity**

- 78 Policy NE3 relates to bio diversity and seeks to protect and enhance all wildlife and wildlife habitats whether formally designated or not. The submission includes a Habitat Survey. This concludes that there are bat species and schedule 1 birds located within 1km of the site. Badgers were recorded within 1km of the site. No other mammals were recorded. It is clear that there are hedgerows, trees and landscaped areas which could accommodate wildlife habitat and as such recommendations are contained within the habitat survey regarding timing of works and control of silt and run off to the adjacent watercourse. The recommendations will be included as a condition on any consent given. Subject to this condition it is considered that the proposal will meet the requirements of Policy NE3 of the LDP.

## **Lighting**

- 79 The car park area is proposed to be illuminated and a car park lighting report accompanies the application. The extent of lighting for the car park is considered appropriate and is similar to the lighting arrangements within car parking areas on the adjacent office buildings. Transport Scotland has recommended a planning condition to ensure there is no light spillage to the trunk road. I am satisfied that there is sufficient distance from the application site to the residential properties to ensure there is no significant light spillage into that area. I am therefore satisfied that the proposal meets the requirements of Policy EP5 which refers to light pollution.

## **Contaminated Land**

- 80 A site investigation report has been submitted with the application which has identified elevated levels of carbon dioxide in the ground gas, and as such gas protection measures are recommended along with 3 further rounds of gas monitoring. Based on the information Environmental Health is satisfied with the measures proposed for the mitigation of risk from ground gas, however full details of the gas protection scheme to be installed will be required as well as validation upon installation. This can be covered by condition.

## **Flooding**

- 81 Having examined SEPA's flood maps it is considered that the application site is located outwith areas which are susceptible to flood risk.

## **Planning Authority with an Interest in the Land**

- 82 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

## **LEGAL AGREEMENTS**

- 81 A legal agreement is required to ensure the payment of the £44,505 contribution towards Transportation Infrastructure in line with the requirements of the Council's Supplementary Guidance Development Contributions Transport Infrastructure August 2014 document referred to in Policy PM3 of the Perth and Kinross Council Local Development Plan 2014. . In the event of the up-front payment or the Section 75 Agreement not having been executed by the applicant, landowner and any other relevant party within 2 and 4 months

respectively of the date of the decision taken on this application, then the application shall be refused.

## **DIRECTION BY SCOTTISH MINISTERS**

- 82 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Regulations 30 – 32 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**

- 83 In conclusion, the application must be determined in accordance with the adopted Perth and Kinross Council Local Development Plan 20014 unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Perth and Kinross Council Local Development Plan 2014 it will generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve subject to the following conditions:**

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

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

- 2 The development shall be undertaken in strict accordance with the recommendations contained within Chapter 6 of the Extended Phase 1, Habitat Survey (drwg ref: 14/01356/12), to the satisfaction of the Council as Planning Authority.

Reason -In order to protect bio diversity interests on the site.

- 3 Prior to the commencement of any development protective tree fencing, in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, shall be erected to ensure all trees, both within and immediately adjacent to the development site are protected during construction operations.



The fencing shall remain in place for the duration of construction works and shall only be removed upon completion of all works.

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

- 4 No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. 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.

Reason - To ensure an adequate travel plan is provided and to encourage the use of sustainable modes of transport.

- 5 Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme shall contain proposals to deal with the contamination to include:

- 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 contaminated land on site.

- 6 The dust control measures as outlined in Appendix 2 - Dust Control Measures During Construction of the Airshed report dated 24 September 2014 (drwg ref: 14/01356/17) shall be strictly adhered to during construction operations, to the satisfaction of the Council as Planning Authority.

Reason - In order to protect air quality.

- 7 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

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

- 8 All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 9 The delivery of goods to the premises shall take place between 07.00hrs to 19.00hrs Mondays to Saturdays and 09.00hrs to 17.00hrs on a Sunday

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

- 10 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring properties and does not illuminate any part of the adjacent trunk road network and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Council as Planning Authority.

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

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

Reason - To ensure the efficiency of the existing trunk road drainage network is not affected.

- 12 Prior to the commencement of any development samples and or detailed manufacturer specifications of all proposed finishing materials shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.

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

- 13 The two staff accommodation apartments at first floor level within the public house/restaurant building, hereby approved, shall be occupied solely by individuals employed at the public house/restaurant building to the satisfaction of the Council as Planning Authority.

Reason - To control the occupancy of the apartments given their proximity to the commercial operations.

- 14 Prior to the commencement of any development details of the location and design of a covered cycle parking facility for 12 cycles shall be submitted for the written approval of the Planning Authority. The cycle parking facility, as

approved, shall be implemented and completed as part of the site development programme to the satisfaction of the Council as Planning Authority.

Reason - In order to provide adequate cycle parking facilities on site and to encourage sustainable modes of transport.

## **B JUSTIFICATION**

The proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Perth and Kinross Council Local Development Plan 2014 it will, nevertheless, generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan.

## **C PROCEDURAL NOTES**

- 1 Consent not to be issued until such time as the applicant has either paid the required financial contributions or a Section 75 Agreement has been completed and signed in respect of the following issues: -

Transport Contribution of £44,505

- 2 If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason;-

*Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions 2012 and the Developer Contributions, Transport Infrastructure 2014, both of which require financial contributions to be secured.*

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 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.

- 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be aware that separate permission for Display of Advertisement Consent is required for any signage proposed.

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

Background Papers: 11 letters of representation in total, including two received during the first advertisement period, both of whom submitted letters of representation during the first advertisement period.

Contact Officer: John Williamson – Ext 75360  
Date: 17 November 2014

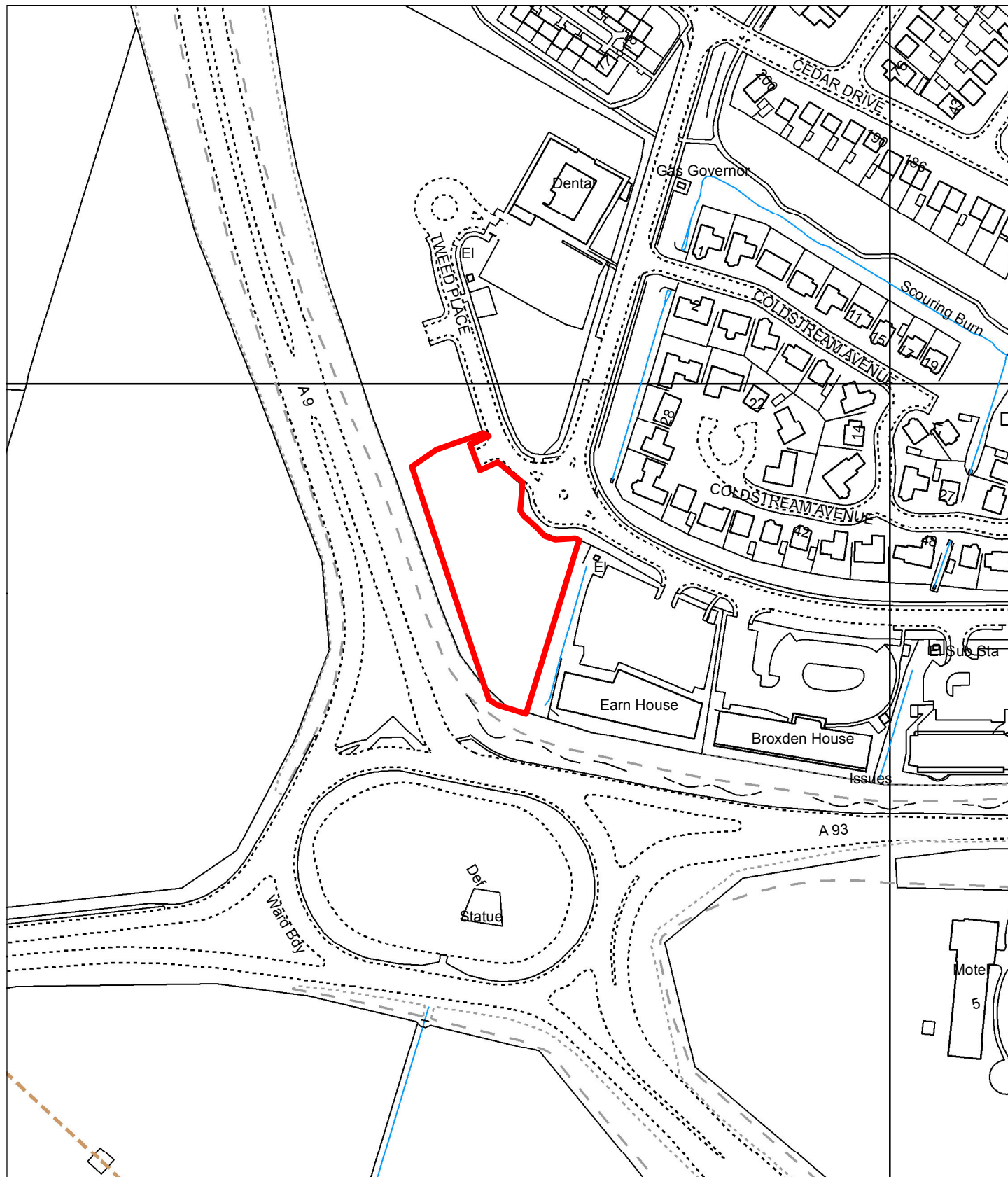
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You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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**14/01356/FLL**

Erection of a restaurant and pub with associated staff accommodation, coffee drive thru, car parking, landscaping and servicing.  
Land north-west of Earn House Lamberkine Drive Perth



14/01356/FLL

Erection of a restaurant & pub with staff accommodation, coffee drive thru, car parking, landscaping & servicing. Land north-west of Earn House, Lamberkine Drive Perth

