

TCP/11/16(273)

**Planning Application 13/00871/FLL – Formation of
hardstanding and siting of takeaway food van (in
retrospect), land 10 metres north east of Leemar, Stirling
Street, Blackford**

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TCP/11/16(273)

**Planning Application 13/00871/FLL – Formation of
hardstanding and siting of takeaway food van (in
retrospect), land 10 metres north east of Leemar, Stirling
Street, Blackford**

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000070295-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: MBM Planning & Development

Ref. Number:

First Name: * Mark

Last Name: * Myles

Telephone Number: * 01738 450506

Extension Number:

Mobile Number:

Fax Number: 01738 450507

Email Address: * mm@mbmplanning.co.uk

You must enter a Building Name or Number, or both:*

Building Name: Algo Business Centre

Building Number:

Address 1 (Street): * Glenearn Road

Address 2:

Town/City: * Perth

Country: * UK

Postcode: * PH2 0NJ

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land 10 metres north east of Leemar, Stirling Street, Blackford

Northing

Easting

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of hardstanding and siting of takeaway food van

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to supporting statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting statement, planning application forms, location plan elevations and photographs, Environmental Health consultation response, Report of Handling and Decision notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/00871/FLL

What date was the application submitted to the planning authority? *

09/05/13

What date was the decision issued by the planning authority? *

24/06/13

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mark Myles

Declaration Date: 19/08/2013

Submission Date: 19/08/2013

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 19th August 2013, on behalf of Pakula for the formation of hardstanding and siting of takeaway food van (in retrospect) on land 10 metres north east of Leemar, Stirling Street, Blackford. The planning application (13/00871/FLL) was refused by PKC on 24th June 2013. Following the refusal the takeaway van was removed from the site.
- 1.2 The proposal requires to be considered under the terms of the relevant development plan policies (Policies 2 and 74 of the Strathearn Area Local Plan).
- 1.3 Within the reasons for refusal reference is made to the policies contained within the emerging Local Development Plan. The Report of Handling is correct to highlight this as a material consideration. However as the Local Development Plan is currently being examined by the Reporters and there are outstanding objections to the policies that have been used in the reasons for refusal, it is considered that the weight that can be attached to this plan at this time is extremely limited. Therefore until such time as the Reporter's recommendations are received, the policies contained within the Proposed LDP should not have been used as reasons for refusal of this application.
- 1.4 In any event Policy RD1 of the LDP referred to in the reasons for refusal is similar to the general development criteria that are already referred to in Policy 2 of the current Strathearn area Local Plan. Policy 2 is clearly referred to in the Report of Handling but was not used as a reason for refusal of the application. The report of Handling also incorrectly refers to policy 58 as being of relevance (but that policy relates to Auchterarder).

2. Response to PKC Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 24th June for two different reasons albeit referring to the same policies.
- 2.2 The first reason suggests that because the site is remote from the village centre it will draw trade away from the only remaining village shop located in central Blackford.
- 2.3 Blackford has no defined town centre boundary as shown in the adopted local plan. The current village shop is located centrally within the village but still further towards the eastern end of the village. The appeal site is located at the eastern end of the village and is located approximately 250 metres from the existing shop. The village shop does offer some hot food and drinks for sale however from visiting the shop it is evident that it only amounts to a very small proportion of its overall offering.
- 2.4 The appellants are intending to provide a specific take-away service that is available to residents, the employees who work in nearby businesses as well as any visitors to the village. This proposal is therefore considered to fully accord with category c of Policy 74 in the Strathearn Area Local Plan which states that general encouragement will be given to small scale business activities where they are compatible with the amenity and character of the village.
- 2.5 The existing village shop has existed for many years. It also pre-dates the Eastgate retail and tourism development which is located at the western entrance to Blackford. That development already sells a much wider range of goods as well as providing extensive restaurant and cafe type facilities. That development is located around 500 metres from the village shop and not located in the village centre. If the council did have legitimate concerns about protecting the existing village shop then the range of goods and services than could be sold from the Eastgate development would either have not been accepted or certainly would have been more strictly controlled at the time it was approved.
- 2.6 The planning system is certainly not designed to prevent competition or choice and should not seek to prevent local businesses from providing a service that can be clearly successful and operate alongside existing shops and services. The Report of Handling suggests that granting consent for the takeaway van could result in the closure of the village store. It is quite clear that the planning policy aims to encourage new investment and improvements to existing village facilities (policy 74a). The planning officer has turned this argument on its head in an attempt to try and protect the commercial interests of the village store on the basis that residents would have to drive to Auchterarder for convenience goods. It's clear from a visit to the Blackford village shop that it is small but it does provide a range of convenience goods that you would expect to find in most local village shops. That said most residents will still probably use the shop mainly as a top up facility preferring to do their main weekly shop in one of the larger stores in another other nearby town.

- 2.7 There were no objections from Environmental Health to this application. Environmental Health recommended conditions be attached to any approval and these can be easily addressed by the appellants. In addition the Roads Department did not object to the application.
- 2.8 For whatever reason the council adopted a much stricter approach when assessing the merits of this particular application compared to many other similar take away type applications that have already been approved across Perth & Kinross.
- 2.9 We therefore simply ask that the LRB adopt a positive approach to the development of this new business which will provide a valuable service for many as evidenced by the letters in support of this application.
- 2.10 It is perhaps not surprising that the owners of the village shop would have concerns and object to this development as it will provide some limited competition to what is offered in their shop. However to make the leap to suggest that this takeaway van could result in the closure of the village shop which currently sells a wide range of convenience goods, newspapers, lottery, off sales license and also has a post office counter is quite frankly bizarre. We would suggest that the opposite view is true in that a lack of consumer choice is not healthy for consumers.
- 2.11 In terms of addressing the 2nd reason for refusal (visual amenity) the existing hedging and trees located on the boundaries of the garden offer an excellent level of screening and enclosure for the development as accepted in the Report of Handling. If the planning officer had genuine concerns in relation to the visual appearance of the van, then conditions could have been applied seeking tighter controls over e.g. colour. Consideration could also have been given to allowing a temporary consent to retain control over the development in the future. This is not discussed or considered anywhere in the Report of Handling.
- 2.12 Other issues raised by objectors relating to road safety implications are also completely unfounded. There are no parking restrictions in place and the roads department have clearly confirmed that they have no objections to the application.

3	Conclusion
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- 3.1 The proposal is considered to fully accord with category c of Policy 74 in the Strathearn Area Local Plan which states that general encouragement will be given to small scale business activities where they are compatible with the amenity and character of the village.
- 3.2 The planning system is certainly not designed to prevent competition or choice and concerns raised in relation to potential impact on the existing village shop are without foundation and also without planning policy support.
- 3.3 The large Eastgate retail and tourism development located at the western approach into Blackford provides a much more extensive retail, restaurant and café offer and has probably had more direct impact on the village shop compared to this small scale take-away facility. The village shop has survived in spite of that development being located on the edge of the village and in a more prominent visual location.
- 3.4 The proposal will have limited visual impact on the wider area and will have no adverse impact on any neighbouring land use. Proof of this is shown by the fact that the proposal was not considered to conflict with any of the policy criteria set out in Policy 2 of the Strathearn Area Local Plan which details all of the normal site planning considerations that all proposals are required to meet.
- 3.5 In an attempt to address any concerns no consideration was given by the planning officer to allowing a temporary permission which would have been a mechanism to help retain future control over the development.
- 3.6 In conclusion there are no legitimate environmental, traffic or planning policy reasons to refuse this application, and we would therefore respectfully request that this Notice of Review is approved subject to any conditions that may be considered necessary by the Local Review Body.

PERTH AND KINROSS COUNCIL

Pakula
c/o Glendevon Construction Ltd
Glenruthven Mill
Abbey Road
Auchterarder
PH3 1DP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 24th June 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00871/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 9th May 2013 for permission for **Formation of hardstanding and siting of takeaway food van (in retrospect) Land 10 Metres North East Of Leemar Stirling Street Blackford** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The takeaway van's location, remote from the village centre, will draw trade away from the only remaining village shop located in central Blackford, to its detriment. The application is therefore contrary to Policy 74 of the Strathearn Area Local Plan 2001 and Policy RD1 of the Proposed Local Development Plan 2012 which seek to ensure improvements to village shopping facilities to serve local needs and seek proposals which will improve the character of the village. The impact upon and potential loss of the village shop would be of significant detriment to the character of Blackford.
2. The temporary nature of the takeaway van, located within an established residential garden is detrimental to the visual amenity of the area and therefore fails to improve the character or environment of the village as required by Policy 74 of the Strathearn Area Local Plan 2001 and Policy RD1 of the Proposed Local Development Plan 2012.

Justification

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

Notes

1. The takeaway van and all associated equipment shall be removed from the site within seven days of the date of this refusal and the site returned to its previous condition. Failure to do so will result in formal enforcement action.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

13/00871/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00871/FLL
Ward No	N7- Strathallan

PROPOSAL: Formation of hardstanding and siting of takeaway food van (in retrospect)

LOCATION: Land 10 Metres North East Of Leemar Stirling Street Blackford

APPLICANT: Pakula

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 10 June 2013

OFFICERS REPORT:

Planning consent is sought, in retrospect, for the formation of a hardstanding and siting of a takeaway food van at land 10 metres north east of Leemar, Stirling Street in Blackford. The takeaway van is in the form of a cream coloured trailer with maroon fascia indicating the name of the trailer. At the time of my site visit the trailer was connected to a small 4x4 vehicle. There was a single picnic style table and numerous large gas bottles present on site. The area where the trailer is sited is part of the residential garden ground for Leemar. The trailer is accessed using an existing gated access and dropped kerb onto Stirling Street. This part of Stirling Street serves as the main access in Highland Spring which is to the south of the application site. At the time of my visit there were a number of articulated lorries on Stirling Street awaiting entry into Highland Spring.

This application has been submitted following a complaint by members of the public.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. 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. The most relevant policies of the Strathern Area Local Plan (SALP) 2001 are policies 2 and 58. The key consideration here is the potential impact a hot food takeaway will have on the residential amenity of the area and the visual impact. The hot food takeaway van is located within an area which is allocated for residential and compatible uses in the Strathern Area Local Plan. It should be noted that the Highland Spring site to the south is zoned for industrial use in the plan and Blackford Primary School is located to the west. There is a small grouping of housing on the corner of Moray Street and Stirling Street.

In the Council's Proposed Local Development Plan 2012, which is a material consideration in the assessment of this application, the site is again allocated for

residential uses. The area to the east and south of the site is zoned for employment and mixed uses.

Principle/Residential Amenity

The application site is located on the southern side of the A824 in an area allocated in the local plan for residential or compatible uses. The site is on the edge of Blackford and the immediate adjoining uses are residential, together with Blackford Primary School. There is, however, an industrial/business use in close proximity at Highland Spring. Policy 58 of the SALP allows for development in this area provided it does not affect the amenity of the area. A total of 12 letters of representation have been received, eight objecting to the application and four in support. The closest residential property to the site is Glenmuir, Moray Street which is 92 metres away. Blackford Primary School is 35 metres away. Noise and odour from the takeaway van can be suitably controlled by conditions on any consent given. Environmental Health have offered no objection to the proposal subject to these conditions. I am generally satisfied that the takeaway van will not impact on surrounding residential amenity in specific regard to noise and odour. I do, however, have concerns regarding the detrimental impact the takeaway van may have on the existing village shop in Blackford.

Impact on Local Shop/Existing Retail Use

The existing local shop in Blackford is the sole remaining village shop serving Blackford. It is located on the south side of Moray Street, centrally within the village. A letter of representation states that the local village shop also offers hot food takeaway and this has provided much needed income to the shop and without this it may have closed. The letter states that the village cannot sustain two hot food takeaway locations. Policy 74(a) of the SALP states that improvements to existing village shopping facilities will be supported where it can be shown that they would serve the needs of the villages. In my view the takeaway van located on the very eastern edge of the settlement would draw trade away from the central village shop. Policy 74(a) seeks to ensure that new development serves the needs of the village. The remote location of the takeaway van would not result in any linked trips between the van and the local store and in my view would be detrimental to the existing sole village shopping facility. There is a risk that granting consent for the takeaway van could result in the closure of the village store which would be of significant detriment to the amenity of the village of Blackford and would result in residents having to travel to Auchterarder for their grocery shopping. This would not be sustainable and would result in more car based trips.

Policy RD1 of the PLDP also states that changes of use away from local shops would be resisted. As outlined above approval of this takeaway van in this edge of settlement location would discourage people from using the local shop which is located centrally within the village and would not result in any linked trips to both sites. I believe the planning authority should seek to ensure the local shop remains open to serve the needs of the community. Approval of this takeaway van would be of detriment to the local shop and therefore potentially to the wider Blackford area. The takeaway van is therefore considered contrary to Policy 74(a) of the SALP and Policy RD1 of the PLDP.

It should be noted that the Council, generally, seeks to support new businesses in Perth and Kinross but these require to be in the correct location in planning policy terms. Four letters of support have been received which believe that the village can sustain both the village shop and the takeaway van and it should be noted that if a

hot food takeaway use (but not necessarily a takeaway van) was sought centrally within the village then this may be considered for support, however a takeaway van located on the site subject to this application would only serve to draw people away from the main shop in the centre of the village to its overall detriment. The location, within a residential garden, is simply not considered to be the most appropriate location for this use. It is also my understanding the applicant currently has a street traders license and can therefore operate the takeaway van on the public road if they so wished.

Visual Amenity

The takeaway van is located within the established residential garden ground of a detached dwellinghouse. The takeaway van is visible from the east and west on Stirling Street and in my view is out of character with its immediate surroundings. During my visit to the site a number of large gas bottles, a picnic table, large wheelie bin and signage were present on site resulting in a rather cluttered appearance. The takeaway van occupies a prominent position in the garden although the existing hedge and trees on the boundary do offer some screening. I am not convinced that a takeaway van, which by its very nature, is temporary in appearance contributes positively to the visual amenity of the area. Policy RD1 of the PLDP states that encouragement will be given to development which improves the character and environment of the village. The takeaway van fails to achieve this and as such is contrary to this policy.

Road Safety/Access

During my site visit Stirling Road was occupied by a number of HGVs awaiting access into Highland Spring. These vehicles occupied the entire southbound side of Stirling Road from Moray Street to the entrance to Highland Spring. The presence of these HGVs would therefore mean any vehicle stopping on the north bound side of the road would block the entire road.

The road here is a public road and there are no parking restrictions in place, therefore vehicles do have a right to park on the public road here. Whilst I have some sympathy with objectors regarding the road safety implications here I do not believe they are strong enough to merit a refusal on road safety grounds.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Strathearn Area Local Plan. I have taken account of material considerations, including the Proposed Local Development Plan and consider that this serves to add weight toward a recommended refusal in this instance. and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

NATIONAL GUIDANCE

Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,

- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

DEVELOPMENT PLAN

Tayplan: Strategic Development Plan 2012-2032 Strathearn Area Local Plan 2001

Policy 74 Strathearn Villages General residential

Polices 1 - 43 also apply in the villages.
See Inset Maps 4 - 13

Inset Maps 4 to 13 indicate villages where residential amenity and character will be retained and if possible improved. Some scope may exist for infill development particularly for affordable housing but only where this will not adversely affect the density, character or amenity of the village and where a suitable access can be obtained. Proposals that erode areas of public or private open space will be resisted. Generally encouragement will be given to:

- a) Improvements to existing village shopping facilities where it can be shown that they would serve the needs of the village.
- b) Proposals which will improve the character and environment of the village.
- c) Small scale business activities where they are compatible with the amenity and character of the village.
- d) Proposals for the provision of small-scale tourism and leisure facilities in villages.

Perth and Kinross Proposed Local Development Plan 2012

On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

Policy RD1 Residential Areas: Identifies areas of residential and compatible uses where existing residential amenity will be protected. General encouragement will be given to uses including infill residential, improvements to shopping facilities which serve local needs, proposals which improve the character and amenity of the area and others subject to criteria

OTHER POLICIES

None

SITE HISTORY

None relevant

CONSULTATIONS/COMMENTS

Scottish Water	No objection
Environmental Health	No objection subject to conditions
Transport Planning	No objection

TARGET DATE: 9 July 2013

REPRESENTATIONS RECEIVED:

Yes

Number Received:
support)

12 (8 objecting and 4 in

Summary of issues raised by objectors:

- Visual amenity
- Residential amenity
- Impact on local shop
- Impact on road safety
- Not suitable for local area
- Proximity to school and potential for less balanced diet (not a material planning consideration)

Summary of issues raised by supporters:

- Serves community and Highland Spring workers
- Will not impact on road safety
- Support for new local business
- Offers access for the disabled
- Provides consumer choice
- Does not impact on character or visual amenity

Response to issues raised by objectors and supporters:
report

See officer's

Additional Statements Received:

Not required

Environment Statement

Not required

Screening Opinion

Not required

Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not required
Legal Agreement Required:	Not required
Summary of terms	Not required
Direction by Scottish Ministers	Not required

Reasons:-

- 1 The takeaway van's location, remote from the village centre, will draw trade away from the only remaining village shop located in central Blackford, to its detriment. The application is therefore contrary to Policy 74 of the Strathearn Area Local Plan 2001 and Policy RD1 of the Proposed Local Development Plan 2012 which seek to ensure improvements to village shopping facilities to serve local needs and seek proposals which will improve the character of the village. The impact upon and potential loss of the village shop would be of significant detriment to the character of Blackford.
- 2 The temporary nature of the takeaway van, located within an established residential garden is detrimental to the visual amenity of the area and therefore fails to improve the character or environment of the village as required by Policy 74 of the Strathearn Area Local Plan 2001 and Policy RD1 of the Proposed Local Development Plan 2012.

Justification

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

Notes

- 1 The takeaway van and all associated equipment shall be removed from the site within seven days of the date of this permission and the site returned to its previous condition. Failure to do so will result in formal enforcement action.

01 MAY 2013

13/008711 PLL

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying **Guidance Notes** when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div>Pakula</div>	Ref No.	<div></div>
Forename	<div></div>	Forename	<div></div>
Surname	<div>Pakula</div>	Surname	<div></div>
Company Name	<div></div>	Company Name	<div>Glendevon Construction Ltd</div>
Building No./Name	<div></div>	Building No./Name	<div>Glenruthven Mill</div>
Address Line 1	<div>25 Park Terrace</div>	Address Line 1	<div>Abbey Road</div>
Address Line 2	<div></div>	Address Line 2	<div></div>
Town/City	<div>Aberuthven</div>	Town/City	<div>Auchterarder</div>
Postcode	<div>PH3 1HU</div>	Postcode	<div>PH3 1DP</div>
Telephone	<div></div>	Telephone	<div>01764 662079</div>
Mobile	<div></div>	Mobile	<div>07929536920</div>
Fax	<div></div>	Fax	<div></div>
Email	<div></div>	Email	<div>darren@glendevonconstruction.co.uk</div>

3. Postal Address or Location of Proposed Development (please include postcode)

Stirling Street Blackford Perthshire PH4 1QG

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
 What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <div></div>	Date: <div></div>
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****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Application for food sales van and gravel driveway.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☒ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☒ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Ray Short

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

100 Msq

8. Existing Use

Please describe the current or most recent use:

Garden Ground

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

3

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☐
No, proposing to make private drainage arrangements ☒
Not applicable – only arrangement for water supply required ☒

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway ☐
Discharge to watercourse(s) (including partial soakaway) ☐
Discharge to coastal waters ☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☐ No ☒

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☒

If yes how many units do you propose in total?

0

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☒ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☒ No ☐ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed



I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☒ No ☐ N/A ☐

Signature

Name:

DARREN ROSS

Date:

29/4/13

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
BLACKFORD FARMS	ESTATE OFFICE BURNSIDE OF BALHARDIE DUNBLANE FK15 0NB	29/4/13

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

CERTIFICATE D
Certificate D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:*

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act



DRAWING REF: 13/00871/FLL
 PERTH AND KINROSS COUNCIL

Memorandum

To	Development Quality Manager	From	Regulatory Services Manager
Your ref	PK13/00871/FLL	Our ref	NK
Date	15 May 2013	Tel No	(01738) 476 444

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK13/00871/FLL RE: Formation of hardstanding and siting of takeaway food van Land 150 Metres North East Of Leemar Stirling Street Blackford for Pakula

I refer to your letter dated 13 May 2013 in connection with the above application and have the following comments to make.

Environmental Health (15/5/2013)

Recommendation

I have no objection in principle to the application but recommend the undernoted conditions be included on any given consent.

Noise / Odours

The applicant proposes to site a takeaway food caravan on garden ground of Leemar House, Stirling Street, Blackford which the applicant owns. The food van will be set back from Stirling Street with a gravelled area at the access point to the van. The nearest domestic property to the proposed location is Glenmuir, Moray Street at a distance of 92 metres from the proposed location. I also note that Blackford Primary School is approximately 35 metres from the proposed food van.

In view of the nature of the application there is the potential for neighbouring residents to be affected by noise and or odours, therefore to protect residential amenity I recommend the following conditions.

As the proposed location is on private land a Street Traders Licence under the Civic Government (Scotland) Act 1982 is not required.

Conditions

1. An effective ventilation system commensurate with the nature and scale of cooking shall be installed, operated and maintained in such a way that odours from the unit are not exhausted into or escape into any neighbouring dwelling.
2. All plant and equipment to be installed or operated in connection with the granting of this permission shall be so enclosed, attenuated and/ or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 30 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 an ISO rating curve chart, all to the satisfaction of the Planning Authority.

3. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
4. The idling of vehicle engines is prohibited.

A handwritten signature in purple ink, appearing to be 'SPD', is centered on the page.

TCP/11/16(273)

**Planning Application 13/00871/FLL – Formation of
hardstanding and siting of takeaway food van (in
retrospect), land 10 metres north east of Leemar, Stirling
Street, Blackford**

PLANNING DECISION NOTICE *(included in applicant's
submission, see pages 21-22)*

REPORT OF HANDLING *(included in applicant's
submission, see pages 23-28)*

REFERENCE DOCUMENTS *(included in applicant's
submission, see page 37)*

TCP/11/16(273)**Planning Application 13/00871/FLL – Formation of hardstanding and siting of takeaway food van (in retrospect), land 10 metres north east of Leemar, Stirling Street, Blackford**

REPRESENTATIONS

- Objection from Mrs K Huggett, dated 14 May 2013
- Representation from Regulatory Service Manager, dated 15 May 2013 (included in applicant's submission, see pages 39-40)
- Letter of Support from Mr B Watkinson, dated 16 May 2013
- Objection from Dr A Dawson, dated 21 May 2013
- Letter of Support from Mr J Macfarlane, dated 22 May 2013
- Objection from Mrs M Beith, dated 24 May 2013
- Objection from Ms J Chac, dated 27 May 2013
- Objection from Mr J Doak, dated 28 May 2013
- Objection from Miss Shepherd, dated 28 May 2013
- Letter of Support from Mrs J Thompson, dated 28 May 2013
- Objection from Mrs M Doak, dated 28 May 2013
- 2nd Objection from Mr J Doak, dated 30 May 2013
- Objection from Mrs I McLaughlan, dated 31 May 2013
- Letter of representation from Ms A Dawson and Mr J Bron, dated 3 September 2013
- Agent's response to representation, dated 23 September 2013

Mrs Katharine Huggett (Objects)

Comment submitted date: Tue 14 May 2013

I do not believe that this is a suitable area at all for this type of trade for the following reasons

-it is within 25m of a junction - trading licence says at least 100m

-it is within 30m of a very sharp bend in the road, visibly of parked traffic is of concern.

-it is within 15m of the school, what's the point in healthy eating teaching if a burger van can open almost at the gate. It also will increase awareness of the school and easy access to the children to people who live outside the community putting the children at risk

-the road at this point has a long history of being obstructed with lorries any parking in order to obtain goods from the van can and probably will block the road completely.

-it is within 40m of a factory access road. Any obstruction on the road will affect the lorry flow.

-this is a residential area, noise restrictions and trading/ access hours of other businesses are in place in the community, the van is currently operating from 6.30 am which is -earlier than any other business is permitted to trade.

-This business has already been trading without all the correct documentation from another site owned by the same landlord and is currently operating without consent.

This location for all the above reasons is not suitable for this type of trade. If compliance with the trading licence is to be ensured there is no location in this area that will be suitable.

Mr Bob Watkinson (Supports)

Comment submitted date: Thu 16 May 2013

I would like to fully support the applicant on this matter. Since the closure of a dedicated takeaway food outlet further up the road this outlet provides much needed choice for the villagers and Highland Spring employees etc. The business is sited well away from the main road through Blackford and thus it's customers will be parking in an area that will not impede traffic moving through the village.

There is a problem in the village periodically with Highland Spring delivery vehicles obstructing the main road through the village. This is exacerbated when they try to park near another business half way through the main road to obtain takeaway food. The applicant is providing a service that will greatly relieve this problem as the drivers will be able to use this outlet without obstructing as it is so conveniently located on the approach road to the factory.

Dr Alison Dawson (Objects)**Comment submitted date: Tue 21 May 2013**

We strongly object to this application.

1) The proposal is contrary to adopted and proposed Development Plans. The proposed development area is a residential property. It is clearly identified as residential land on both the Strathearn Area Local Plan 2001, as adopted by Perth and Kinross Council and the proposed single Local Development Plan (?LDP?) currently at Examination stage but due to replace the Strathearn ALP in 2014. Strathearn ALP, Map 6 ?Blackford? (p71) clearly shows two large areas within a short distance of the proposed development area, identified as O6 and P28 respectively, which are zoned for ?Industrial, Business, Tourist or Office uses?. The proposed LDP indicates (para. 8.2.8) that these ?Employment land opportunities in the villages are being maintained at Blackford..?. There can be no justification for allowing a change of use when the boundary of O6, a designated area for business development since 2001 and protected in the proposed LDP, is less than 10 metres from the proposed development site.

2) The proposal is contrary to Policy PM1A of the proposed LDP. Policy PM1A, which related to ?Place-making?, states that ?Development must contribute positively, to the quality of the surrounding built and natural environment.... The design and siting of development should respect the character and amenity of the place?. The proposed development, a large and essentially static ?burger van?, does not contribute positively to the quality of the surrounding environment, and the proposal does not respect existing character or amenity.

3) The proposal does not meet the criteria set out in Policy ED3: Rural Business and Diversification of the proposed LDP. Policy ED3 states that ?All proposals will be expected to meet all the following criteria:(a) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.(b) The proposal can be satisfactorily accommodated within the landscape capacity of any particular location.(c) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.(d) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.(e) The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact....?. The proposed development fails to meet criteria (a), (c), (d) and (e):

i) The proposal is not compatible with surrounding land use: the proposed development area is on a residential site, with another residential site and a primary school nearby.

ii) The proposal will detrimentally impact on the amenity of residential adjacent residential property: our property is approximately 25 metres from where the burger van is sited and already operating. We are already suffering from the additional noise generated by the proprietors and their customers early in the morning (voices, vehicle engines, vehicle doors slamming, etc), the constant and, as a vegetarian, nauseating smell of fast food cooking, loss of privacy due to the site?s attraction of additional vehicular and pedestrian traffic.

iii) The proposal does not meet a specific need by virtue of its quality or location: There are other premises within the village that provide hot and cold food to take away, at the Eaglesgate Retail Centre and at the Blackford Village Shop and Post Office (approximately 300 metres from the proposed development site).

iv) The proposed development does not reflect the rural nature of the site and is not in keeping with the scale of the existing buildings: The proposed development takes no account of the rural nature of the site. The dimensions of the burger van are not in keeping with the scale of Leemar house, and in particular the height of the trailer means that it stands out. The applicants suggest no amelioration of its impact.

v) Stirling Street, the road onto which the proposed development site faces, cannot safely accommodate the nature and volume of the traffic generated by the proposed development: This part of Stirling Street is very busy, as it is used by articulated vehicles going to and from Highland Spring, people working at Highland Spring and the other businesses located at that site, and parents dropping off and picking up children from Blackford Primary School in addition to vehicular traffic from people living on Stirling Street, those visiting them, and vehicles providing good and services to that population. Customers to the burger van, which has been trading from the site since approximately 10 May, have been observed parking precariously and leaving their vehicles unattended. This is particularly dangerous when articulated lorry drivers leave their vehicles parked on the wrong side of the road less than 50 metres from what can be a busy junction.

We do not believe that the applicants will be able to satisfy these criteria in relation to the proposed development site even with planning conditions attached, and so the application should be rejected.

4) The proposed development is contrary to ?Policy RD1: Residential Areas? of the proposed LDP: Policy RD1 begins ?The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved....?. Allowing the proposed development would not constitute protecting/improving existing residential amenity for either Leemar house or Glenmuir, the adjacent residential property.

5) As per ?Policy EP5: Nuisance from Artificial Light and Light Pollution? of the proposed LDP, consent should not be granted because the proposed development is likely to lead to nuisance from artificial light and light pollution: Policy EP5 states that ?Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects?. The proposed hours of operation of the burger van as detailed in the proposal mean that for a proportion of the year it will require artificial lighting (e.g. by late September sunrise does not occur until after 7am, by the end of October sunset occurs close to 4.30pm). To be adequately lit for road safety purposes, the proposed development would need lighting at levels likely to be intrusive and detrimental to the amenity of neighbouring residential property Glenmuir.

6) Granting the application would be contrary to Policy EP8 of the proposed LDP: Policy EP8 ?Noise Pollution? states that ?There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses...?. Scottish Government Planning Advice Note PAN 1/2011, point 15 identifies housing as a ?noise sensitive land use?, and suggests a number of relevant issues when considering noise, including: Existing noise level and likely change in noise levels (para. 15); Character (tonal, impulsivity etc), duration, frequency of any repetition and time of day of noise that is likely to be generated (para. 15); and ?Noise that may result from traffic generated by new industrial developments? (para. 31). In the weeks in which the burger van has been operating from the development site there has been increased volume and frequency of noise. Our sleep has been consistently disturbed by noise from the burger van and its customers, and the noise generated represents severe loss of amenity. In short, the proposal, if consent is granted, will generate high levels of noise in the locality of an existing noise sensitive land use and so should be rejected.

7) The application should be rejected because the proposed development overlooks our property and will lead to unacceptable loss of privacy: In the proposed development the burger van overlooks our property. The height of the trailer and the lack of any screening will lead to an unacceptable loss of privacy.

8) The application should be rejected because the proposed development will give rise to significant highway issues, in particular in relation to traffic generation and highway safety: As we have suggested in objection 3 (v) above, the junction between Moray Street and Stirling Street is a particularly busy one, with traffic congestion at peak times, e.g. 8.45am-9am when primary schoolchildren are being dropped off and 3.00pm-3.30pm when they are being picked up. This is not a designated lay-by or a sleepy side street, and the proposed development will exacerbate existing traffic issues. In particular:

a) The proposed entrance to the burger van site is located less than 50 metres from the junction with Moray Street. Drivers, and in particular the drivers of articulated lorries, would not normally have stopped on this stretch of road in the past. The presence of the burger van at the proposed development site encourages drivers to park temporarily on Stirling Street, causing a traffic hazard and potentially committing an offence under Road Traffic legislation (the Road Traffic Act 1988 Section 22 creates an offence of causing or permitting a vehicle or trailer to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other road users).

b) In addition, some burger van customers have been parking in the cul-de-sac created by the closure of the old Stirling Street. This is increasing traffic to an area primarily used by primary-age schoolchildren for pedestrian access to the rear gates of Blackford Primary School.

Please see link to photographs (<http://flickr.com/gp/brondawson/r8Ap20/>) showing

A) Lorries queuing for Highland Spring on a busy day, taken from Moray Street looking towards junction with Stirling Street.

B) Silver car abandoned on road close to junction as owner uses burger van. Picture taken from Glenmuir.

C) Picture taken from dining room of Glenmuir, showing burger van customer car in foreground, burger van to right hand side, and lorries for Highland Spring queued along Stirling Street in background.

D) Lorry parked on wrong side of road as driver goes to burger van. Picture taken from Glenmuir bedroom window.

9) The application should be rejected on public health policy grounds because the type of development is unsuited to the location: The application is for change of use from residential property to a permanent site for a fast food outlet. The Scottish Government's report 'Good Places Better Health for Scotland's Children - Childhood Obesity Evidence Assessment (2011, available at <http://www.scotland.gov.uk/Resource/0039/00398227.pdf>) concluded (at para. 1.4.1) that 'The evidence indicates that obesity in childhood is associated with breastfeeding and weaning practices, consumption of fast food and snack food and portion sizes of manufactured food'. Amongst the 'Key Actions' identified in the report was to 'Limit children's access to calorie-dense snacks through the removal of vending machines from public buildings and banning of fast food vans outside schools' (para. 1.4.1, underlining added). Other Scottish Councils have taken action: a number have introduced restrictions via Street Trader licensing conditions which limit burger vans and fast food vans from trading within set distances from schools at lunchtimes and at the start and end of the school day, e.g. Glasgow City Council (250m), East Ayrshire Council (250m), Renfrewshire Council (500m), Falkirk Council (500m), with others such as Fife Council considering similar action. Other councils have acted through planning channels, e.g. Stirling Council, whose planning committee refused an application for planning permission to site a new McDonalds restaurant and takeaway 300 metres from a high school on the grounds that it was not an appropriate development and 'could have had an adverse impact on the promotion of healthy eating at the high school'. The proposed application is approximately 30 metres from Blackford Primary School. Giving planning consent in this instance could have an adverse impact on the promotion of healthy eating, sends the wrong message to children, and could also set an unwelcome precedent in relation to fast food trading in the near proximity of other schools in Perth and Kinross.

For the reasons given above, we believe that the application should be rejected.

In the event that the application is not rejected, we feel that strict conditions should be applied, including:

- 1) That there should be no trading allowed before 9am or after 2.30pm on weekdays during school term times, no trading allowed before 8am or after 4pm any other weekday, and no trading at all on Saturdays (the former for public health policy reasons, the latter two to protect against loss of residential amenity).
- 2) The orientation of the burger van should be changed so as to face away from the residential property at Glenmuir.
- 3) There should be appropriate screening to minimise loss of amenity to Glenmuir, with height of screening commensurate with the height of the burger van.
- 4) Any consent should specifically exclude any seating or other arrangement which might encourage customers to stay in the vicinity of the proposed development, which is likely to create additional disturbance.

We also feel that in the event that consent is given, the Council should consider the putting double yellow lines along Stirling Street on the side of the proposed development so as to ensure that traffic is not hindered by the proposed activities and that there is no encouragement of dangerous parking close to the junction with Moray Street.

Yours sincerely,

Dr Alison Dawson and Dr James Bron

Mr James Macfarlane (Supports)**Comment submitted date: Wed 22 May 2013**

I would also like to fully support the applicant on this matter. Since the closure of the aforesaid mentioned takeaway food outlet further up the road this outlet provides much needed choice for the villagers and Highland Spring employees etc. The business is sited further away from the main road than the previous site and thus it's customers will be parking in an area that will not block traffic moving through the village. I have a picture of an articulated lorry parked 2-3m away from a recognised pedestrian crossing in the village and obstructing the road into 'Post office entry'

There has always been a problem in the village with Highland Spring delivery vehicles obstructing the main road through the village. I'm led to believe that HS have someone monitoring the lorries every day and have a queueing system so as not to cause blocking on Moray street. Moray Street has certainly got quieter with this monitoring system in place.

Some dangers that you may come across getting to the burger van include an apparent 'public park' which is an absolute disgrace to the community council as to the state it is in. There is a fallen tree at a property which hangs precariously over a public footpath and is only a matter of time before that falls down and hurts someone. again - have pics to substantiate the words.

I have spoken to a mother of a pupil at the school & almost all children use the entrance into the school off moray street as it has a substantial pavement & a recognised school crossing opposite Abercairney place.

The burger van does sell vegetarian food as well so opinions on whether you are a vegetarian or not is showing a slightly biased opinion.

Any time I have been to the burger van, the van itself looks spotless & the area round about where it is sited has also looked clean.

As for suggestions to double yellow lines - I would suggest that double yellow lines, if they were to be put in place, be quite a substantial distance up Moray street on the school side.

Highland spring provide the local community with employment & sponsor various events. They have been in Blackford for as long as I have been here some 24 yrs.

In my opinion the village can support both outlets, as I do, and should be allowed to operate to give the villagers a choice of food.

I'm led to believe that the applicant has been working closely with P & K council to solve any issues, which can only be commended. Same cant be said of the local community council as individuals have shown to not know the meaning of impartial on their Facebook page and have gone as far as close down their link to follow them on 'facebook' Even behind the scenes, individuals have been asking for support from others to campaign against the van.. impartial??

As I have said above, the village can support both outlets and provide villagers with a choice of food in this democratic society that we live in and I DO support both businesses.

Mrs Margaret Beith (Objects)

Comment submitted date: Fri 24 May 2013

This is too close to the school and may attract older pupils whose parents believe that they are having school dinners.

Many village stores fail whereas Blackford has a successful store producing quality food and this van may lose it too much business.

Ms Joanna Chac (Objects)

Comment submitted date: Mon 27 May 2013

I object to this application on the following grounds:

The proposed development area is a residential property.

The proposed site is very close to the school and might encourage the older children to use it as opposed to taking school meals which provide a more balanced diet.

The proposed site is within 25 m of a junction which is already a very busy area.

The Articulated Lorries going too and from Highland Spring already cause a bottle neck at the entrance to Stirling Street from that end of the village and vehicles stopping to use the burger van will only increase this problem and make it a more hazardous area.

Blackford Village Store has successfully provided a similar range of carry out hot food for the last few years. It does this to help sustain the business as a whole. The customer base for this type of business is not big enough to support the two businesses. If the burger van goes ahead there is a possibility that the village store would have to close its kitchen which would not only result in job losses but the overall turnover of the whole business will be affected and it may no longer be viable to continue, so the village may lose its only shop.

28 May 2013

Planning Department
Perth & Kinross Council
35 Kinnoull Street
Perth
PH1 5GD

Dear Sirs

Planning Application 13/00871/FLL

I wish to strongly object to the current planning application to allow a burger van in the village.

My name is Jamie Doak, I have been a resident of Blackford all my life and I own the Blackford Village store and Post office along with my two Partners.

We purchased the shop over 4 years ago after a long and slow decision to do so. The shop had been on the market for about two years and the owner at the time was threatening to close down the shop and turn it back to a house if he could not sell the business as a going concern.

We did not want the village to lose its only shop and its Post Office service. On a gamble I persuaded the other partner's that we could maybe turn it around and keep these badly needed services in the village, especially for the older residents to be able to get their pension and not be dependent on travelling 4 miles to Auchterarder for a pint of Milk.

The shop has proved popular in the village and we have an Off Sales License, Post Office, lottery and general convenience store all rolled into one. In addition, we have introduced a full kitchen offering hot and cold filled rolls, homemade meals and now employ 8 staff from the village.

The shop is struggling, but moving into hot food sales has helped to increase the shop turnover. We offer hot food until 7.30 at night. We have improved the sales but we need to do more to try and get the profits up to keep the business viable not just for us but for the community.

Having a burger van in the village would impact greatly on our hot food sales and as the shop is only just covering its costs, to lose sales may mean the difference of having to close or try and sell the shop.

I would urge you not to grant planning permission for the burger van. There is insufficient trade in the village for 2 take away food traders. The shop and Post Office needs the income from the take away food and any reduction in that income that would be a consequence of having the burger van in the village would greatly threaten the viability of the store, could result in the closure of the shop and subsequent loss of employment in the village.

Myself and my team have worked extremely hard over the last 4 years trying to make this a viable business and would urge you not to jeopardise the only shop in the village, as it is a badly needed asset to the local area and provides far more to the village than any burger van could ever do.

Yours sincerely

Jamie Doak

Miss Sam Shepherd (Objects)

Comment submitted date: Tue 28 May 2013

Traffic is already an issue heading into highland spring so any traffic stopping at the burger van is only going to make matters worse.

Blackford is a small village. There isn't a big enough customer base for this type of business so if the van goes ahead there is a great potential of job losses at the village store.

Mrs Jan Thompson (Supports)**Comment submitted date: Tue 28 May 2013**

I would like to offer my support to the Blackford Burger Van. This Burger Van is run by local people who have spotted an opportunity and seized the initiative; how wrong can that be in this current economic climate?

The majority of Blackford residents are keen to support local businesses and as a small village we rely on our businesses in return to support the village.

Here are my reasons for supporting the outlet and I'd like these to be given full consideration:

Employment and Village Economies

Highland Spring are the biggest employers in this village however, recently a number of villagers have received redundancy packages which has created a degree of nervousness about future employment security. There are not many options for work in Blackford (particularly if you don't drive) and the Burger Van has the potential to offer jobs to local residents in the future.

Location

The new location for the Burger Van is perfect and does not in any way detract from the character of our village. It is now sited in an area that was just wasteland before. The owners of the van have tidied the area up making it much more appealing. This end of the village is more the business park area as it's where the large industrial units and admin offices of Highland Spring are situated. Also, the Burger Van blends in well with the Portacabin style Transport Offices of Highland Spring. I do accept that there are a couple of homes in the vicinity however, it should be noted that it is not a densely populated part of the village.

Consumer Choice

This is a small village and we accept that we do not have the myriad of choice that some larger villages/towns have. However, that doesn't mean that we should have no choice. Consumer choice raises everyone's game and ultimately the villagers come out as the winner with prices and quality. A number of people work outside the village and are often running for public transport or rushing to get to work, they need to grab something quick and healthy. The Takeaway outlet helps these individuals and gives solutions to those villagers who are time poor. This new takeaway outlet in our village meets the demands of the villagers and those that visit our village without causing major disruption to the main route through the village.

Disability Access

We have a number of villagers who are disabled and a few that are wheelchair dependent. This new outlet offers disabled customer access allowing them to be more independent.

Traffic

There is no getting away from it Blackford has an issue with lorries accessing Highland Spring. This is not a new problem and existed well before the Burger Van. This simply cannot and should not be used as a reason for planning not to be granted. The traffic in the village has not increased as a result of the Burger Van and the congestion has not worsened.

On a busy day at Highland Spring the lorries will now be backed up beyond the level crossing facing in the opposite direction of the flow of traffic. There are control mechanisms put in place for this by the company and the majority of the time these are fairly effective albeit not completely satisfactory. However, we do need to be factual and this issue has nothing to do with the Burger Van and should be addressed separately.

School

I note the small number of objectors have cited the School in their objection comments. Blackford Primary School is an excellent example of getting the messages across to the youngsters of our village of the virtues of healthy eating and teaching children this important life lesson. The teachers, support workers and parents do a fantastic job getting this message to stick with the kids and I think it is unfair to suggest that all this great, hard work will be eradicated by one Burger van. The children of this village are well educated about healthy eating and practice this in their out of school lives. Let us not over-react, the facts are that the children of this village do not use this outlet during school hours and probably never will. And even if they were to venture over to the Takeaway Outlet, they'd find a number of healthy eating options are available to them.

I would like to thank you for taking the time to consider the points I have raised and please feel free to get back in touch should you have any questions or if you would like me to clarify anything.

Best Wishes

Mrs Marion Doak (Objects)

Comment submitted date: Tue 28 May 2013

The proposed site is in a garden of a house and out of keeping with the area.

The proposed site is within 25 m of a road junction.

The proposed site is already a very busy area of road with Lorries queuing to get in to Highland Spring. You have to drive up the wrong side of the road, passed the area directly in front of where the van is situated, to get into that end of Stirling Street. Other vehicles stopping to use the Burger van will only add to the congestion of the area and make it much more hazardous.

The proposed site is near a school and this may encourage the children to leave the playground to buy food from the van which could put them at risk from the traffic from the very busy road. This would also mean they are eating take away snack food instead of the more nourishing well balanced meals provided by the school.

The Village shop already provides carry out food and although competition is good for the consumer, unfortunately the shop requires the carry out business to help the business survive as a whole. If the burger van goes ahead the shop kitchen may well have to close as there is not enough trade in the area to sustain both businesses. If this happens it may well mean the business is no longer viable and the village would lose its only shop and post office.

OW

Tracy McManamon

From: Jamie Doak [REDACTED]
Sent: 30 May 2013 09:51
To: Development Management - Generic Email Account
Subject: Objection to Planning Application 13/00871/FLL
Attachments: planning dispute.docx

Dear Sirs

I wish to strongly dispute the granting of any planning permission under Application No. 13/00871/FLL for a burger van to be sited in Stirling St, Blackford.

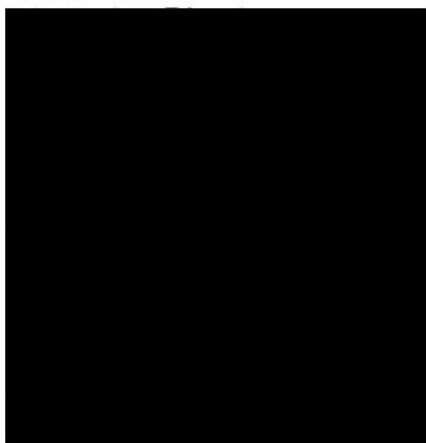
I have attached a letter outlining my main objections but would also add the following:

1. The burger van will be sited near a school
2. The burger van would be sited near a junction
3. The burger van will have a detrimental affect on the area and could result in litter and food waste being dropped all over the village
4. The van will have a detrimental effect on the only shop in the village (in which I am a partner) as it will be in direct completion with it for take away food sales. The village store is a vital service for the local community and anything that risks the viability of the shop, which is also the local Post Office would mean that there is a very high likelihood of the shop closing. This would result in the loss of 8 jobs from the village and mean that the nearest shop is over 4 miles away in Auchterarder. This would be a nightmare for the village, but especially so for its elderly residents.

I urge you not to grant planning permission for the burger van to be located in the village. The local shop is as dependant on the community as the community is dependant on the local shop. The local shop provides far more to the village than a burger van and I would not want to see the village without this asset to the community.

regards

Jamie Doak



Mrs Irene McLaughlan (Objects)

Comment submitted date: Fri 31 May 2013

I object on the following grounds:-

1.Under the local area plan, it contravenes policy 2 of the Development Criteria, sub-section (d)

?The road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network is provided.?

This is already a very busy road due to the access to Highland Spring's factory. If the articulated lorries are waiting to access the factory, the road can have lorries parked down one side of it, thus reducing the road to one lane only for two-way traffic. An increase in traffic could compromise the safety of road users and pedestrians. By its nature, the proposed development implies it would depend on passing trade, the majority of which would be vehicular. It is also close to the junction of the main road through the village, Moray Street.

2.The site is also situated beside the local primary school. As children become aware the van is selling food, there is the possibility that some of the primary school children may decide to use the burger van, putting them at risk from the potential increase in traffic which would be generated to the area. In order to promote healthy eating, many other local authorities have imposed restrictions on the proximity to schools for burger vans and other fast foods vans e.g. Glasgow City Council, East Ayrshire Council and a number of others.

3. It has the potential to cause noise and disturbance, as well as loss of privacy, to the primary school as well as any nearby properties.

3 September 2013

Dear Perth and Kinross Local Review Body,

Town & Country Planning (Scotland) Act 1997

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013

Application Ref: 13/00871/FLL – Formation of hardstanding and siting of takeaway food van (in retrospect), land 10 metres north east of Leemar, Stirling Street, Blackford - Pakula

Submission in opposition to the applicants' appeal

We opposed the original application to site a takeaway food van in the garden of Leemar, a residential property metres from our own. You have copies of our original submission so we do not intend to cover those points again here, although we would note that we felt that the Development Quality Manager did not give appropriate weight to: the public health issues of having a fast food outlet sited just metres from a primary school gate, with many children being unaccompanied on their way to and from school and outside school hours more generally; the issue of children's road safety caused by traffic stopping to access the outlet, both on the main Stirling Road and in the cul-de-sac onto which the school gates open and which was being used by outlet customers; or the question of noise disruption to our property, particularly at what we view as unsociably early hours of the morning.

We would however like to present additional information not in our previous submission which we hope will help the Local Review Body to better understand the potential impact on the village and particularly on different vulnerable groups of residents of losing the village shop and its services, which is the first of the Development Quality Manager's stated reasons for refusal.

As you are aware, the village shop offers post office services in addition to retailing grocery items and general goods and providing hot and cold takeaway food. Whilst not under current ownership, the shop and post office has been on the current centrally located site for many years, and has provided a range of services for both village residents and visitors. It is an integral part of what makes Blackford an appealing place for us to live and grow older in. Losing the shop and its services would make Blackford a less attractive place for many people to settle, and would have a detrimental impact on a significant proportion of current residents.

What does losing local services mean to rural communities?

Research evidence shows that losing local services can have a significant detrimental effect on small rural communities. For example, a study of Post Office closures in Wales¹ published in 2010 found

¹ Consumer Focus Wales (2010) 'Post Office Closures: Impact of the Network Change Programme', available at <http://www.consumerfocus.org.uk/assets/4/files/2010/02/CFW-Post-Office-Closures.PDF>

that the 'disadvantages encountered by having to move to a different post office branch were felt most keenly by vulnerable consumers, in particular older people, people with disabilities or long term illness and people on a low income who relied on public transport', for whom 'accessing post offices services at a new location added significant cost and major inconvenience'. They also found that the post office was **perceived by individuals as at the heart of and playing an important social and supportive function in communities**. The researchers found that the small number of those spoken to who did not have concerns about the loss of their local post office were younger, relatively affluent light users of post office services who had their own cars and were not concerned by slightly longer journey times.

Case studies carried out as part of the National Audit Office's 2009 report on 'Oversight of the Post Office Network Change Programme'² similarly suggest that more physically and socially mobile local residents were merely inconvenienced, but 'vulnerable' groups with their greater 'issues of mobility and routine, combined with little public transport provision in rural areas' meant that **the effect of service loss on more vulnerable groups was far more significant**. Vulnerable individuals are more centred in their communities and therefore rely more heavily on local facilities, often using them as social and community hubs, with deviation from 'routine' acting as a potential check on the wellbeing of vulnerable people who may have limited additional social interaction.

How many people might be 'vulnerable' to the loss of Blackford shop and services?

In this context, we would suggest that those groups of people who might be thought to be 'vulnerable' to the loss of local shop and post office services would include: families with young children, for whom travel may be awkward and/or expensive and for whom local services are often far more convenient; those not in employment, who may not have the means or finances to travel to other nearby locations to access alternative services; and older people, for whom such establishments often offer social interaction as well as retail and post office services.

According to 2011 census data, 754 people lived in Blackford at the date of the census³. Age-based breakdowns of the census data show that 5.0% of Perth and Kinross residents were under 5 years old and 14.4% were aged 70 years or older, with 5.5% aged 80 or more⁴. Using these percentages, Blackford is likely to have around 38 pre-school children and in the region of 108 residents aged 70 or more, of whom more than 40 will be aged 80 or older. Populations of rural localities tend in general to be older than those of urban localities, so the numbers of pre-school children may be over-estimated and the numbers of older people underestimated. Official labour market statistics⁵ suggest that as of March 2013 5.9% of people aged 16 and over living in Perth and Kinross were unemployed, i.e. without work, actively seeking employment and ready to start. If this figure was representative of unemployment in Blackford, then around 36 residents are unemployed. Although it is not known how many households these potentially vulnerable groups represent, it is clear that **their members make up around a quarter of Blackford's current population**.

² National Audit Office (2009) 'Oversight of the Post Office Network Change Programme', available at <http://www.nao.org.uk/wp-content/uploads/2009/06/0809558.pdf>.

³ General Register Office for Scotland (GROS), <http://www.gro-scotland.gov.uk/>.

⁴ <http://www.scotlandscensus.gov.uk/documents/censusresults/release1c/re1csb.pdf>, Table A1

⁵ Nomis website, <https://www.nomisweb.co.uk/reports/lmp/la/1946157428/printable.aspx>.

Could those people in vulnerable groups not access post office services elsewhere?

The nearest alternative post office services are in Auchterarder. This is approximately 4.5 miles from the centre of Blackford. This is likely to be far beyond the ability of people with poor mobility, and in any case there is no safe public footpath which covers the entire route. For people reliant on public transport, Docherty's Midland Coaches operate the daytime bus service, service numbers 19, 19A and 20 on the Stirling-Perth route, with Stagecoach Perth operating the evening services.

The service is approximately hourly and the journey from Blackford to Auchterarder takes 15 minutes⁶. However, due to bus timetabling issues a journey to and from Auchterarder to use their post office would take a minimum of 90 minutes. This represents a significant journey time for a vulnerable person, in addition to any travel costs, and is likely to be a barrier to travel for many people in vulnerable groups.

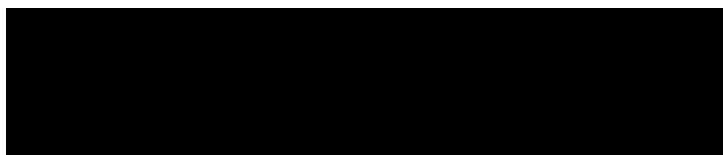
Could vulnerable people not access these same services on the internet?

In many cases, no they could not. According to 2012 data from the Office for National Statistics⁷ 17% of households do not have internet access and 16% of adults in the UK have never used the internet. Older people, one of the groups most likely to be 'vulnerable' in the event of loss of local services, are less likely to have access to the internet at home and more likely than other age groups to have never used the internet. Only 74% of households with two adults, one of whom is aged 65+, have internet access, and only 40% of households where the only occupant is aged 65+ have internet access.

We appreciate the time that you have taken to read this additional submission.

When you have your health, your own transport, and a socially active life it can be very easy to overlook or dismiss as trivial the role which local shops and local services can play in enhancing the lives of those less fortunate. We hope that this information has helped members of the Local review Body to understand how losing our village shop would be to the detriment of the village as a whole and to the detriment of its substantial number of more 'vulnerable' residents in particular.

Yours faithfully,



Alison Dawson and James Bron

⁶ Docherty's Midland Coaches timetables, available at <http://www.dochertysmidlandcoaches.co.uk/PDFS/stirlingperth.pdf>.

⁷ ONS (2013) 'Internet Access - Households and Individuals, 2012 Part 2', available to download at <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-289719>.

CHX Planning Local Review Body - Generic Email Account

From: Mark Myles [mm@mbmplanning.co.uk]
Sent: 23 September 2013 09:49
To: CHX Planning Local Review Body - Generic Email Account
Subject: RE: TCP/11/16(273) - Land 10 metres north west of Leemar, Stirling Street, Blackford

Thank you for your email dated 10 September enclosing a copy of the further representation received from Alison Dawson and James Bron.

In response to points raised by the objectors you could be forgiven for thinking that this proposal was actually seeking a change of use of the village shop and post office to a take-away unit.

The objectors concerns would perhaps be understandable if this proposal was for a large retail unit on the edge of the village. It is not. The existing village shop and post office will not be lost as a result of this proposal and once again we would stress that it is not right for planning to protect a monopoly which has no planning policy support. The refusal of this proposal is simply preventing natural competition and choice.

Contrary to the view expressed by the objectors, there were no objections from the principal consultees in this case i.e. Roads and Environmental Health. There are no technical reasons for refusing this proposal.

The proposal is considered to fully accord with category c of Policy 74 in the Strathearn Area Local Plan which states that general encouragement will be given to small scale business activities where they are compatible with the amenity and character of the village.

I would be grateful if you could copy this response to the members of the LRB.

Many thanks

Kind regards

Mark Myles
 MBM Planning & Development
 Algo Business Centre
 Glenearn Road
 PERTH
 PH2 0NJ

