

**4(v)(c)**

LRB-2023-42

**LRB-2023-42**

**23/00075/FLL - Change of use of open space and extension  
to shop, 75-77 Balhousie Street, Perth, PH1 5BG**

## **REPRESENTATIONS**



Tuesday, 28 February 2023



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
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Development Operations  
Freephone Number - 0800 3890379  
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Dear Customer,

**75 - 77 Balhousie Street, , Perth, PH1 5BG**  
**Planning Ref: 23/00075/FLL**  
**Our Ref: DSCAS-0081918-V7P**  
**Proposal: Change of use of open space and extension to shop**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Drinking Water Protected Areas**

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - ▶ Site Investigation Services (UK) Ltd
    - ▶ Tel: 0333 123 1223
    - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
    - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
  - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
  - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
  - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
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### Next Steps:

#### ▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

Linda Batchelor

Development Quality Manager  
Perth & Kinross Council  
Pullar House  
Perth  
PH1 5GD

14 March 2023

Dear Sir / Madam

**Re Planning Application Ref 23/00075/FLL - Extension to form hot food takeaway shop, and an extension to the existing shop 75-77 Balhousie Street Perth PH1 5BG**

I am writing to you to formally lodge an objection against the above planning application for an 'extension to an existing shop and to form a hot food takeaway'.

My objections are based on the following points:-

*1 Traffic Generation*

Balhousie Street is currently used as a 'rat run' by commuters seeking to avoid the Dunkeld Road. At present the motorists using the existing shop generate a bottle neck, by parking on each side of the road and pavement. Despite the double yellow line 'No Waiting' restrictions. (Attached is a picture showing damage to the pavement) There are also buses passing four times an hour in each direction, and a bus stop opposite the shop adds to the congestion. In the recent past the rise and fall bollard on the Dunkeld Road side of Florence Place, which prevents traffic access to Balhousie Street from the Dunkeld Road, has been re-activated. It was disabled some time ago on the grounds of maintenance costs, and alleged damage to a vehicle. It is reasonable to assume the cost of maintaining the bollard, and drivers potentially damaging their vehicles, is a worthwhile cost to prevent congestion and traffic overload in a basically quiet residential area. It therefore seems perverse to agree to planning permission to a shop extension and hot food takeaway which will inevitably lead to an increase in traffic from customers and the various companies in the food delivery business

The additional traffic generated by the hot food takeaway will also inevitably produce an increased traffic hazard to the large number of secondary school children who walk up and down Balhousie Street, on their way to and from the Community Campus / School and to visit the shop in the lunch break. This number will increase when they start to visit the takeaway. Coupled with an increase in traffic it is an unsustainable situation.

My drive [REDACTED] proposed take away, and even now I have been delayed by cars parked in front of it.

You will also be aware of the complaints made by the residents of Florence Place relating to deliveries to Asda in the past. This takeaway will inevitably generate a further increase delivery vehicles. At present guests sleeping [REDACTED] are awoken between 4 a.m. and 6 p.m. by deliveries of milk, newspapers and the shops shutters being opened.

## *2 Smells*

Any form of hot food takeaway will generate smells and the prevailing wind will send the smells in my direction. On the other hand, any filtration / extraction system installed to prevent the smells will inevitably diminish the amenity of the area by the noise it makes.

## *3 Noise and Disturbance*

One has only to read the Dundee Courier and Perthshire Advertiser to note the number of incidents of anti-social behavior that occur at hot food takeaway establishments. And it should be born in mind that the ones that reach the courts will only be a small minority of the actual incidents.

A significant proportion of antisocial behavior occurrences in the area have been reduced since the demolition of the Muirton estate and the re-development of the area. However, it has not disappeared altogether, and the attraction of a hot food takeaway will doubtlessly attract a stream of undesirable characters, whose antisocial behavior will detract from the amenity of the area.

I am horrified by the fact that there does not appear to be any restriction on the hours of opening.

## *4 Drainage*

In the formal planning application is the question 'Will your proposal require new water supply or drainage arrangements?' The 'No' box was marked. I fail to understand how the construction of a fast food takeaway does not require any additional water supply or drainage. To me, this suggests a planning application being economical with the truth and is a cause of concern.

I understand the proposed extension will cover a main drain. I am led to believe that it is not permitted to erect buildings over main drains.

## *5 Amenity of the Area*

You will note the area's amenity is already diminished by the presence of the existing shop. This, as you will be aware, was built in a different era. It would appear that such developments are no longer deemed appropriate for residential areas, otherwise why has no one built such an establishment in the redeveloped Muirton, and other new housing schemes?

This is a relatively quiet residential area, and I would wish it to be maintained as such, and not degenerated further by what must now, in the current environmental climate, be an inappropriate development for a residential area.

## *6 Balhousie Primary School*



As you will be aware the above school is due to be closed in the near future. It is not unreasonable to assume the site will be sold off and redeveloped as housing. Yet again increasing the potential traffic volumes in the adjacent area.

### *7 Health and Environmental Issues*

This proposed hot food takeaway is within easy walking distance of two secondary schools. The food served there will inevitably have high levels of salt, sugar and fat content. And in allowing it to open the Council is acting in contradiction of all healthy eating advice from a wide range of health agencies, particularly given current concerns about obesity levels in schoolchildren.

The planning application part that covers the shop extension seems to be placed on land not owned by the proprietor of the shop. An anomaly in itself, but it also involves the cutting down of two trees and building over an area of grass. I am aware that the area is small but a planning application that approves a scheme that will generate increased traffic flows and destroy a green environment is no way to work towards 'net zero by 2045'.

### *8 Other issues*

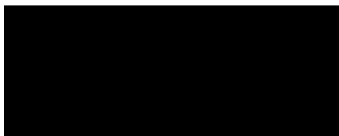
The proposed extensions provide no provisions for the disposal of retail or food waste. I have personally witnessed shop staff using the public waste bin outside the shop and am concerned about how this waste will be dealt with.

Customers of takeaway food will inevitably discard food and litter around the vicinity of the takeaway and the surrounding residential area, leading to the presence of flies, vermin and a degrading of the environment.

There is already an overprovision of such establishments in the area within easy walking distance. There being four at the bottom of the Crieff Road, Asda, McDonalds, Bayne's and Tower bakeries, and a Chinese / Fish and Chip shop on the Dunkeld Road. The provision for hot takeaway food is more than supplemented by the fact that a large number of existing hot food takeaways provide a home delivery service.

To sum it up simply, I am opposing this planning application on the grounds that it will cause a significant deterioration of the environment and amenity of the area.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

L Batchelor

## **Mrs Rena Macdonald (Objects)**

**Comment submitted date: Tue 14 Mar 2023**

I wish to object to the proposed alterations at Balhousie Store on the following grounds.

1. There is no parking around this property. There are double yellow lines down both sides of the road. There is a bus stop a few metres diagonally across from the shop which causes a bottleneck when there is a bus stationary there. There is a small layby immediately outside the front door of the shop but the shop owner's van is normally parked there which only leaves room for 1 or 2 small cars. At the moment cars and other vehicles park half on the pavement because there is nowhere else to go. There would be an increase of delivery trucks too and not enough room for them.
2. The Council have only very recently re-introduced a rising bollard on Florence Place to reduce traffic on Balhousie Street. Takeaway premises/larger shop would surely increase traffic volume.
3. Increasing the size of the shop would entail the removal of 2 well established trees which sit on one of the very few green spaces in the area. Aren't we supposed to be planting more trees?
4. The smell from the takeaway area which is only a few metres from ( redacated )
5. Asda is only across the other side of the road. Do we need another supermarket in such close proximity? We also have a chip shop/takeaway premises right next door to McDonalds which is just around the corner on the Dunkeld Road. There is yet another supermarket next door to this too, We also have more takeaway premises in the retail park just one street over also on the Dunkeld Road. More than enough in such a small area.
6. Traffic management would become problematic due to how narrow the road is with a mini-roundabout and a bus stop within a few metres. It is particularly busy at lunch time as many of the pupils from Perth Grammar and St John's Campus use the store. School finishing time makes Balhousie Street quite chaotic at the moment.

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	23/00075/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Change of use of open space and extension to shop		
<b>Address of site</b>	75 - 77 Balhousie Street, Perth PH1 5BG		
<b>Comments on the proposal</b>	<p>The applicant is proposing to extend the existing convenience store to the north into open amenity space. The area proposed for the extension forms part of maintained open space.</p> <p>There is no vehicle access for the property as such, but a parking bay exists in front of the store with waiting restrictions.</p> <p>A Royal Mail post box used to store mail waiting for local delivery is located where the extension will be but is not marked on the plans. Arrangements with Royal Mail are required to have this relocated.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	17 March 2023		

Linda Batchelor



Lisa Simpson  
Head Of Legal Services & Clerk to the Local Review Body  
1 High Street  
Perth  
PH1 5PA

13 November 2023

**Ref: Formal Objection to Planning Application 23/00075/FLL & Appeal LRB-2023-42 Shop Extension and Hot Food Takeaway 75-77 Balhousie Street Perth**

Dear Lisa

Thank you for forwarding the details relating to the planning application and the appeal to the Local Review Body as set out above. Below are my responses and confirmation that I object to the proposal. Where I have raised points relating to the appeal, I have used the same numbering system as the Edinburgh architects for purposes of clarity.

I will detail my responses to the appeal document, give to context to the 'extant' planning permission and explain why, from the perspective of a local resident, the appeal should be rejected.

### ***Appeal***

1.3 I would dispute the area is poorly maintained and reduced in amenity value by a 'short cut' and 'dog toilet'.

The LRB will be aware of other grass areas generating their own short cuts. However, this is not a valid reason for concreting it over. A visual inspection and photograph show no obvious use as a 'dog toilet'.

1.4 The 'very modest 48m<sup>2</sup>' extension will result in the destruction of 3 trees and concreting over a majority of the green valued amenity area. This is unacceptable.

1.5 The appeal states 'appellant would undertake to improve the ongoing maintenance of the space.' Would there be any conditions inserted into the planning consent to enforce this? And actions taken if the ongoing maintenance did not happen? I really don't think so. This expedient claim is valueless.

1.7 As a formal objector, my main focus was on the food takeaway at the south end of the building. Firstly, for the benefit of the LRB I will detail the context behind this 'extant' planning consent, in a different era and long since expired. At the 2011 Planning Committee meeting the vote was a 50/50 split. Therefore, the Chair voted, as appropriate, to maintain the status quo. The DPEA Reporter with no knowledge of the local area overturned democratic council, and the will of the local residents on appeal. This was back in a time when environmental and health and road safety

concerns were far less prevalent than today. The planning consent may be 'extant' but it is definitely no longer valid.

The additional extension on the north side of the building will also damage the local environment and amenity of the local residents.

Together, the fast food takeaway and shop extension will increase road traffic, and car parking on double yellow lines, in and already congested area, with a bus stop opposite, and Balhousie Street used as a 'rat run' by commuters working in the city.

The shop already acts as a drop off and collection point for at least one national courier service, and the prospect of a constant stream of Deliveroo and Just Eat drivers and riders, together with stopping traffic, will damage the environment, the amenity value for the residents, and create additional traffic hazards to residents and schoolchildren from the nearby primary and secondary school campus. It is also noted that articles, in the local press, indicate that food takeaways can also be a focus of antisocial behaviour.

### **Quoted Reasons for Refusal by Edinburgh architects**

I completely support the Council's statement, referred to by the Edinburgh architects under Reasons for Refusal point 1.

### **Comment on 3.0 Reasons to overturn the current decision.**

3.1 The Edinburgh architects state they do not consider the landscape as an amenity and/or a "pleasant" space. They can hardly be expected to! As a resident, the trees mainly shield the stark bare end of the 3 story blocks of Florence Court flats, and are full of welcome colour in spring and summer. They do not act as a congregating point for local teenagers and are completely free of causing any antisocial behaviour. Replacing this area with an extension of the building will cause the destruction of a small, and welcome green area, and reduce the amenity value to residents.

3.6 The Edinburgh architects have been told the existing shop 'is a locally owned family business serving the immediate local community'. And to a small extent that statement is true. But, and it is a very big but! Having lived in the immediate vicinity of the shop for over 20 years, I would estimate, from my own observations, that a very significant volume of their trade (70%) is from passing motorists. These motorists clog the roads, park on the pavements, thereby damaging the pavement and obstructing pedestrians.

In terms of the quoted '20 minute neighbourhoods' the Edinburgh architects mention Asda and Morrisons supermarkets. They completely fail to mention that within 10 minutes of this area, there is a McDonalds, and a range of shops on the Dunkeld Road, including a bakery, convenience store and hot food takeaway and post office. There are further shops, within ten minutes, at the bottom of the Crieff Road, also including a hot food takeaway.

If we are to consider Morrisons as within the 20 min city concept then that includes the entire St Catherine's retail park and, given the bus frequency the majority of the city centre. This being the case I find it difficult to justify the statement in point:-

'/ contributes to local living, including where relevant 20 minute neighbourhoods

Given the above readily accessible retail outlets detailed above, and limited local usage, I see no reason for the existence of the shop at all! And certainly no reason to extend it.

As for point 'ii can be demonstrated to contribute to the health and wellbeing of the local community.' This would appear to be a flight of pure fantasy!

A shop extension with a hot food takeaway, will cause an increase in traffic volumes, increased pollution, and more traffic hazards for pedestrians and school children. I reject the concept that they can be held up as contributing to the health and wellbeing of the community.

### **Conclusion**

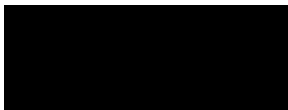
In the 12 years since the first planning application was submitted there have been heightened environmental, and personal health and safety concerns.

Ultimately this development will do nothing to enhance residents' lives, while at the same time damaging the local areas amenity, increase noise and pollution levels and further damage our fragile environment.

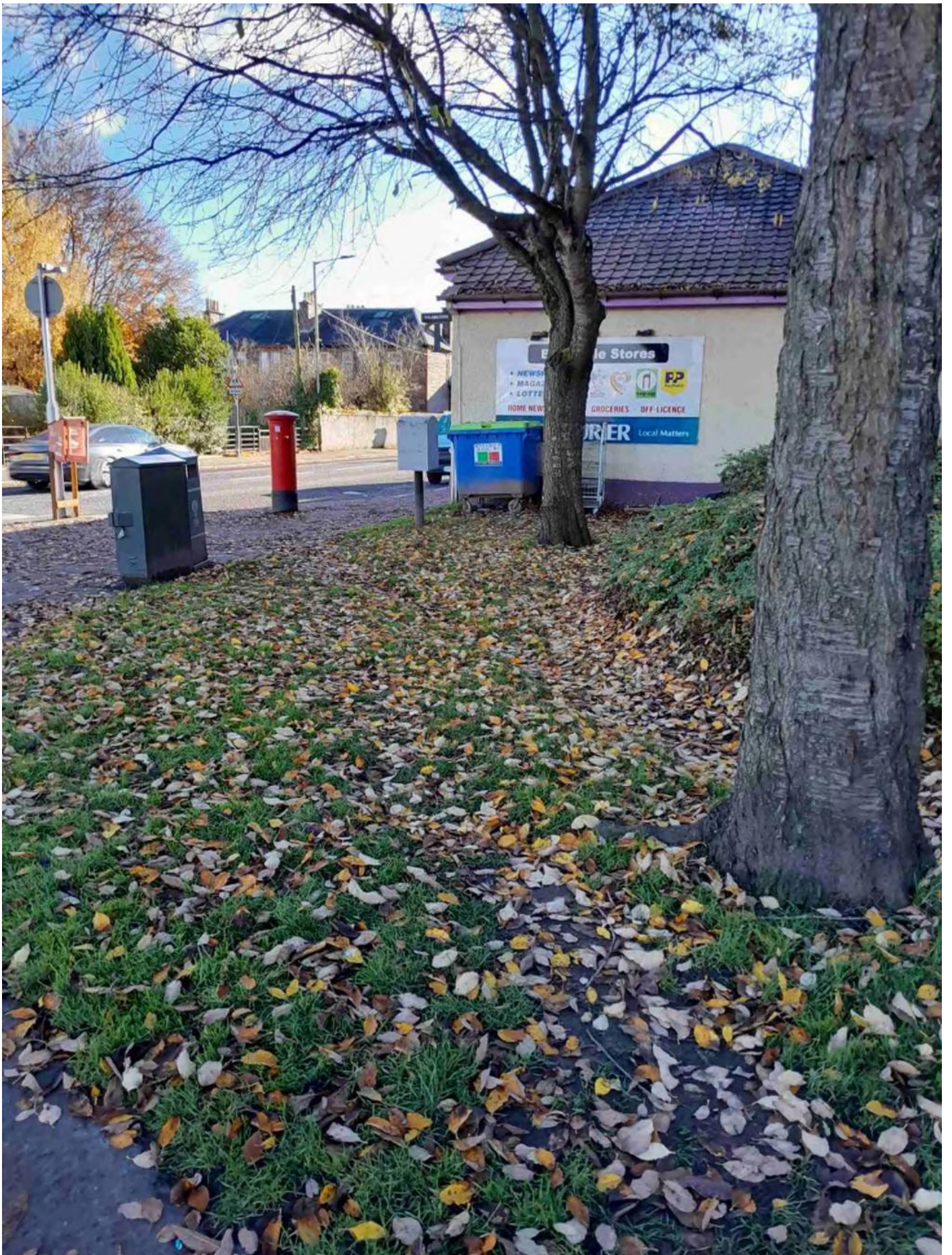
I trust the LRB will uphold the various Council Planning Policies referred to, and support the Planning Officers decision, along with my supporting letter, and deny the appeal

A few self explanatory photographs are attached to highlight some of the points raised. The date/time stamp on the 'shield-traffic' pictures shows traffic volume in less than a minute and the shielding of the Florence Court flats.

Yours sincerely

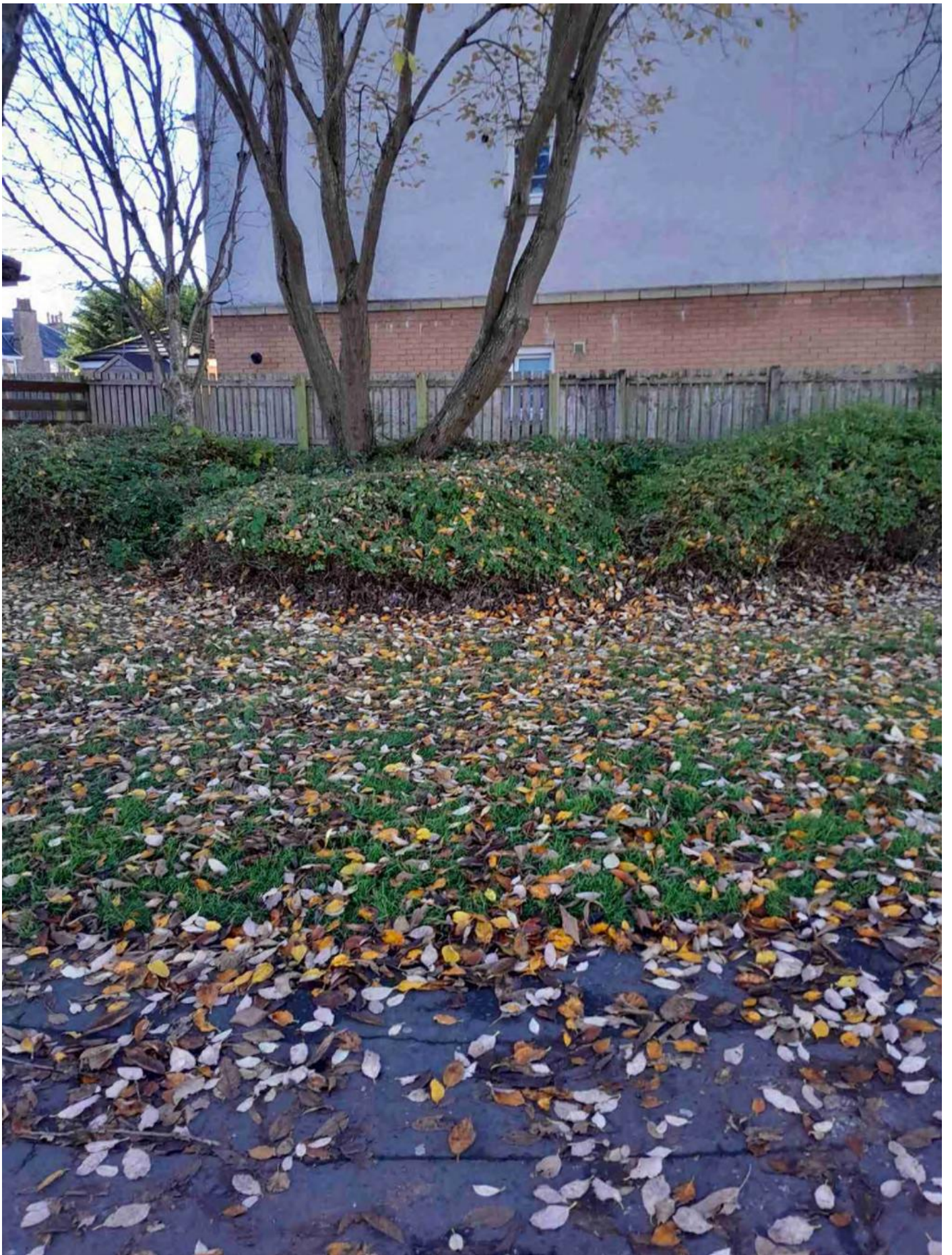
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Linda Batchelor

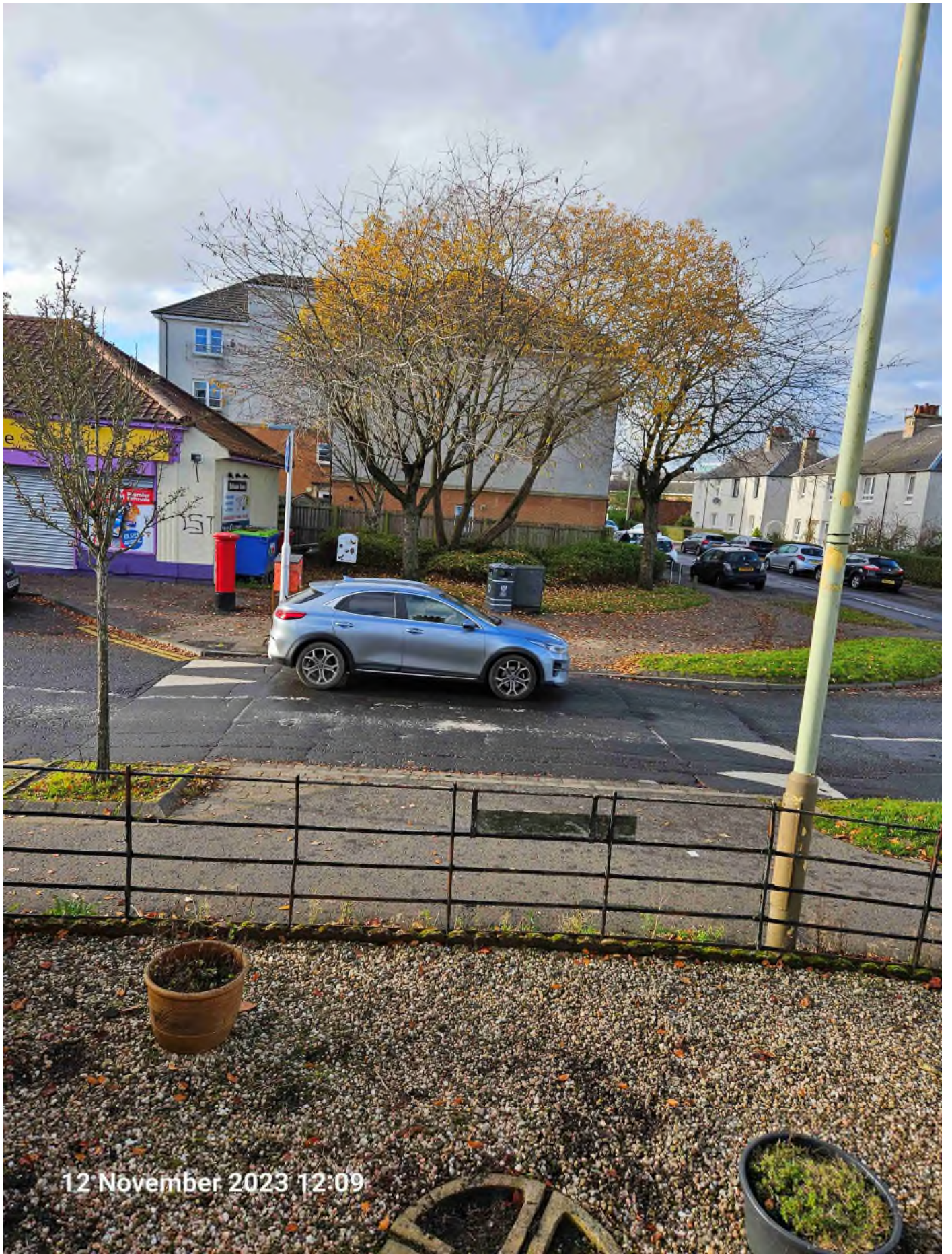








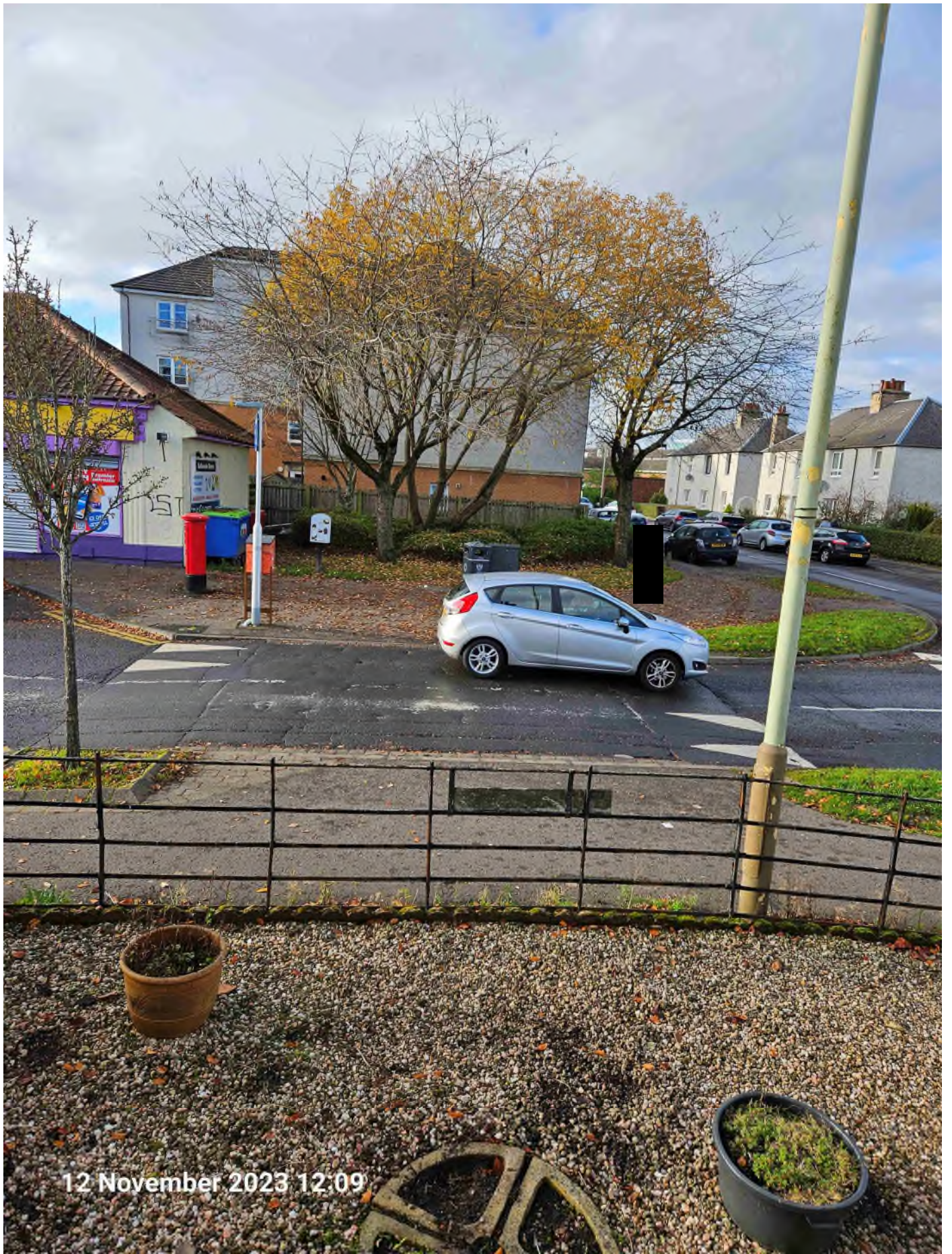




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## CDS Planning Local Review Body

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**From:** Rena Macdonald [REDACTED]  
**Sent:** 14 November 2023 15:37  
**To:** CDS Planning Local Review Body  
**Subject:** Re: LRB-2023-42

**CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.**

Dear Ms Simpson

I stand by my original Formal Complaint comments but would add as undernoted:-

The Architects are wrong in stating that there was only one objection to the proposed application. I submitted objections as did my neighbour.

I disagree that the removal of trees is the primary objection. My biggest concern is the amount of extra traffic this would create. As previously stated, there is nowhere near the shop to park legally and at the moment people just park on the double yellow lines and usually half way on to the pavement. When a bus is stationary at the bus stop this creates a bottle neck.

With regard to the extant original planning permission, I have lived here for 10 years and the site to the south of the shop remains a building site and an eyesore.

With regard to the comments about 20 minute neighbourhoods, we already have this in abundance in our area. Indeed the town centre with all its amenities is a mere 10 minute walk from Balhousie Store let alone the retail parks etc on our doorstep.

The smell from a takeaway is my main concern as I am in very close proximity to the Store.

As to the state of the trees, In spring time they are a mass of white blossoms.

Rena Macdonald