

Perth and Kinross Council
Planning & Development Management Committee – 19 January 2022
Report of Handling by Head of Planning & Development (Report No. 22/6)

PROPOSAL: Erection of 11 light industrial units and associated works

LOCATION: Land SW of Woods of Perth Limited, Auld Bond Road, Perth

Ref. No: [21/01106/FLL](#)

Ward No: P11- Perth City North

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of 11 light industrial units and associated works on a site located at the south western end of Auld Bond Road in north west Perth. It should be noted that this application is a re-submission following the withdrawal of a previous application (21/00149/FLL) on this site for a similar development which contained insufficient information to enable a full assessment to be made. The application site is bound on the south eastern side by a cycle/footway which links onto Auld Bond Road with residential development at Cragganmore Place beyond. To the north west is the A9 trunk road and a recently constructed footbridge which links the application site to Inveralmond Industrial Estate on the opposite side of the A9. To the north east is the Inveralmond Business Centre and the Thermo Fisher Scientific facility beyond. To the south west is a SUDS pond which is associated with the recent upgrade works to the A9/A85 junction, which is located further west. A shared use cycle/footway which links to the bridge over the A9 wraps around the western edge of the site. The application site was used as a compound during the A9/A85 junction works but is now vacant with the north east and south west boundaries occupied by scrub trees.
- 2 The proposal involves the erection of a total of four buildings with a vehicular access taken from a new access which incorporates a cycle and footway link to Auld Bond Road. The buildings can be described as follows:
- 3 Building 1:
Located to the north east of the site adjacent to the A9 and Inveralmond Business Centre. This is proposed to be 42m x 22m in footprint and 11.9m in height to ridge with a pitched roof. It is proposed to be finished in azure blue cladding on the walls and grey cladding on the roof. This building has an internal floor space which would enable it to be used by a single occupier.

- 4 **Building 2:**
Located to the south east of the site, closest to the access into the site. This is proposed to be the same footprint as building 1 (42m x 22m) but is lower in height, 7.1m with a pitched roof. This building has an internal layout which would allow it to be used by either a single occupier or split between two occupiers. The building is proposed to be finished azure blue with a grey roof similar to building 1.
- 5 **Building 3:**
This “building” is described as building 3 in the planning submission but is actually made up of two smaller linear buildings. Located to the south western end of the site, this building is closest to the SUDS pond referenced above and is made up of two individual rows of units. The southern most row is proposed to accommodate three units and is 54.8m x 10m in footprint. It is proposed to have a monopitch roof. The northern most row is proposed to be 52m x 10m in footprint of a similar design as the southern row but is proposed to be split internally to accommodate six units. Each of the buildings is proposed to have a small mezzanine level. The finishing materials of both buildings is proposed to be anthracite grey on the walls and roof. Both buildings are proposed to be 6.7m to the highest point of the monopitch roof.
- 6 The public road section of Auld Bond Road currently ends adjacent to the Inveralmond Business Centre where there is an existing gate and there is an existing shared use footway/cycle route which continues from this point along the south western edge of the site. The proposal is to extend Auld Bond Road to the south west towards the site with a new access into the site between buildings 2 and 3. A total of 76 car parking spaces are proposed within the site. A landscaping scheme also accompanies the application which includes tree planting around the western edge of the site adjacent to the existing shared use foot/cycle way, hedge planting to the south of building 2 and shrub planting along the north east boundary of the site.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 9 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Supporting Business and Employment: paragraphs 32 – 108
 - Valuing the Historic Environment: paragraphs 135-151
 - Managing Flood Risk and Drainage: paragraphs 254-268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269-291

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 33 Development of Contaminated Land
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60: Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 82: Local Authority Interest Developments
 - PAN 1/2011: Planning and Noise
 - PAN 2/2011: Planning and Archaeology

Creating Places 2013

- 12 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 13 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 14 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 16 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 17 *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*
- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice For Investment
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2 (2019)

- 19 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 20 The application site is located within an area allocated for core employment uses in the plan.

21 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

22 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

23 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

24 [19/01018/ADV](#) Advertisement Consent application for Display of signs was Withdrawn on 26 August 2019.

25 [21/00149/FLL](#) Full Planning Permission application for Erection of 11 light industrial units and associated works was Withdrawn on 30 March 2021.

CONSULTATIONS

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

External

Scottish Water

- 27 No objection. Advice that there is capacity in the water supply network and public wastewater system but note proximity of main water pipe.

NatureScot

- 28 No comments.

Health And Safety Executive

- 29 Do not advise against development of site on health and safety grounds.

Perth And Kinross Heritage Trust

- 30 Site is of potential archaeological value and therefore conditions are recommended to ensure an archaeological evaluation is undertaken and to ensure an area of archaeological interest is fenced off during construction.

Internal

Biodiversity/Tree Officer

- 31 The submitted ecology survey is considered to be appropriate and the mitigation contained within is considered to be acceptable subject to conditions. Following amendments, the submitted landscaping scheme is considered to be appropriate.

Commercial Waste Team

- 32 Waste bin storage facilities proposed on site are considered to be acceptable.

Development Contributions Officer

- 33 Developer Contribution of £47,740 towards Transport Infrastructure is required.

Transport Planning

- 34 Transport Statement considered to be sufficient and public road network is capable of accommodating the traffic which would be generated by the development. The access arrangements are also considered to be acceptable subject to the submission of a Construction Traffic Management Plan.

Structures And Flooding

- 35 There are no flood risk concerns. Some minor comments on the submitted Drainage Strategy which can be resolved by condition.

Environmental Health (Noise Odour)

- 36 Air Quality Assessment considered to be appropriate and therefore, the development is not considered to cause significant changes in traffic-related pollutants from the operation of the development.
- 37 Noise Impact Assessment considered to be sufficient in demonstrating noise levels associated with the development and it is concluded that noise levels are not of a significant level and would not unduly impact on neighbouring residential receptors subject to conditions.

Environmental Health (Contaminated Land)

- 38 Due to historic railway use of the site there may be scope for contamination on site and therefore a contaminated land investigation should be secured by condition.

REPRESENTATIONS

- 39 A total of eight letters of representation have been received in respect of the current application. A further period of neighbour notification was carried out following the submission of additional information. The main issues raised within the representations are:
- Adverse effect on visual amenity
 - Loss of open space
 - Loss of trees
 - Vacant land available for development in other industrial sites elsewhere
 - Loss of landscaping at rear of Cragganmore Place
 - Noise pollution
 - Road safety
 - Traffic congestion and cumulative impact
 - Construction disruption
 - Excessive height
 - Flood risk
 - Light Pollution
 - Loss of sunlight/daylight
 - Out of character with area
 - Overlooking
 - Impact on bio diversity
 - Need for maintenance of proposed landscaping areas
 - Litter
 - Use of road as overnight parking for lorries
 - Transport Assessment and Noise Impact Assessment carried out during a pandemic when outcomes could be flawed

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

ADDITIONAL STATEMENTS

41	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Noise Impact Assessment Drainage Strategy Report Transport Statement Ecology Survey Tree Survey Air Quality Assessment Construction Method and Phasing Landscaping and Planting Scheme and Maintenance

APPRAISAL

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019.
- 43 The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

Principle

- 44 The application site is located within an area designated for core employment uses where Policy 7A of the Perth and Kinross Local Development Plan 2019 (LDP2) applies. The site is specifically allocated for core employment uses and policy 7A states that areas identified for core business and industrial land should be utilised for class 4, 5 and 6 uses. Policy 7A states that areas identified for employment uses should be retained for such uses and includes a number of criteria which require to be considered. These include protecting the amenity of nearby residents, the local road network being suitable for the traffic generated by the proposal, provision of good walking and cycling facilities and ensuring the protection of European designated sites, amongst others. Whilst it is noted that a number of the letters of representation state that this type of development

should be located elsewhere, for example within the Inveralmond Industrial Estate to the north, the site is specifically allocated in LDP2 for employment based uses and therefore, given this allocation it is expected that the site would be developed at some point. As the proposal involves light industrial/business class 4 uses, the proposal complies with the "core" allocation outlined within LDP2 and therefore the principle of developing the site for these uses is considered to be acceptable and to accord with Policy 7A. The individual criteria within Policy 7A will be assessed in more detail below.

Design, Visual Amenity and Layout

- 45 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 46 The area is characterised by both residential scale development to the south on Cragganmore Place and the adjacent Inveralmond Business Centre and larger Thermo Fisher plant to the north east. The area, therefore, generally has a mixed character. The development proposes a single central access which allows the buildings to effectively form a courtyard around the access, with the majority of the car parking areas on the site contained within the courtyard area. The proposed development involves the erection of the smaller buildings (2 and 3) to the south of the site, closer to the access as these have a better physical relationship with the housing given their lesser scale. Their size and scale is outlined within the introduction above. Building 2 also has an entrance facing onto the new access into the site and the south elevation of building 3 has also been designed to ensure there is no blank elevation facing onto the access and shared use foot/cycle way. This provides both buildings with an active frontage onto public areas as required by the Placemaking Supplementary Guidance. There is a large linear area of vegetation outwith the application site to the south of the proposed access which provides a landscaped buffer between the proposed development site and the rear gardens of the adjacent housing. This is proposed to be retained but will be tidied up by the applicant during construction of the access road. The scale of buildings 2 and 3 and the presence of the landscape belt are considered to be sufficient to ensure the visual impact of the development on the residential receptors to the south east of the site is acceptable.
- 47 Building 1 is larger and is located towards the rear (north) of the site which is considered to be the most appropriate location for this scale of building. It is, however, to be set back from the A9 Trunk road by approximately 23m which will help to limit its visual impact. This building will also be seen in context with the large scale shared foot/cycle bridge which crosses the A9 to the immediate north of the site.
- 48 The bulk, massing and height of development on the site steps down towards the open space to the south west corner of the site. This, together with the landscaping on the boundary of the site, which is referred to in more detail below, helps to provide the development with an appropriate relationship with the open space and also helps to create a defined edge to the allocated employment site.

- 49 Sectional drawings are contained within the Design and Access Statement which help to demonstrate the scale of development relative to the adjacent business centre and housing. A series of 3D drawings have also been submitted to provide further understanding on the overall context of the site and scale of the buildings.
- 50 The finishing materials include profiled metal cladding in both blue and grey colours which are similar to those finishes used on the adjacent business centre and Thermo Fisher site and are therefore considered to be acceptable. The proposed finishes, which include varying coloured panelling on the elevations, also helps to break up the bulk and mass of the buildings. A condition is recommended to ensure final finishing material details are submitted for approval (Condition 2).
- 51 The site layout also includes security fencing and gates on the south and north sides of the site but this is proposed to be located inside the proposed landscaping scheme which will help to limit its visual impact as much as possible and will ensure the public façade of the development site is appropriate.
- 52 The scale, design and layout of the proposed development is considered to be appropriate in the context of the wider site and the surrounding buildings. The proposed design, scale and layout is therefore considered to comply with policy 1A and B, relating to placemaking and the criteria within Policy 7A of LDP2.

Trees and Landscaping

- 53 Policy 40B of LDP2 relates to trees and woodland and states that a tree survey should accompany any proposal where there are existing trees on the site. Furthermore, the placemaking policies of tLDP2 (Policies 1A and B) require that development must contribute positively to the surrounding natural and built environment.
- 54 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the formation of a light industrial development on this site, within the settlement boundary, is not considered to significantly erode the quality of the landscape.
- 55 The site currently hosts areas of young trees, many of which are native broadleaf tree species. Some trees have colonised the site, such as Goat willows, but many of the trees have been planted presumably as part of an earlier landscape scheme.
- 56 A tree survey and landscaping plan have been submitted with the application. The tree survey is very detailed and has examined the tree groupings and made certain recommendations. The layout involves the felling of all trees on site. Whilst the loss of trees at the site is regrettable, it is considered that if a robust landscape scheme can be secured, then the development could be appropriately integrated.

- 57 A landscaping plan has been submitted with the proposal and has been updated to reflect initial comments from the Council's Tree and Woodland Officer due to the lack of native species. The revised landscaping proposal includes the planting of a total of 28 new heavy standard trees on the south, west and north boundaries of the site, together with shrub planting and a wild flower meadow mix wrapping around these sides of the site. This will provide the site with a landscape buffer to the adjacent shared use foot/cycle route and open space to the west of the site and will provide a defined edge to the wider allocated employment site. The proposal also involves hedge planting to the south of building 2 adjacent to the new access and some shrub planting on the north eastern boundary of the site. The details of the revised landscaping scheme have been accepted by the Council's Tree and Woodland Officer. The extent of new landscaping on the site is considered to be acceptable and the implementation and maintenance of the scheme can be secured by condition (Condition 3). A further condition is also recommended to ensure replanting is undertaken should any of the planting fail to become established (Condition 4).
- 58 Letters of representation have raised concerns with the loss of open space on the site. However, this site is not zoned open space in LDP2. While it is noted that residents may put amenity value on this space, it is not afforded the same protection under Policy 15 of LDP2 which relates to zoned areas of open space. Overall, it is not considered that the loss of this area of grass and landscaping is of significant detriment to the area particularly given that the site is allocated for employment based development.
- 59 Subject to the above conditions the proposal is considered to accord with Policies 1A and B relating to placemaking and 40B relating to trees and woodland of LDP2.

Residential Amenity (Noise)

- 60 Policy 7A and 56 of LDP2 relate to residential amenity and noise pollution and seek to ensure that residential amenity is maintained and that there is a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive uses. As already mentioned, there are residential properties located to the south of the site on the opposite side of Auld Bond Road. A Noise Impact Assessment (NIA) accompanies the application. This is based upon the proposed noise levels in comparison with the existing background noise levels. These background noise levels include existing noise levels from the A9 Trunk road and other operations in the area. The NIA has been prepared in accordance with recognised methodology for assessing commercial and industrial noise. It also considers the noise associated with deliveries and traffic using the new access into the site and ties up with the information contained within the submitted Transport Statement. The NIA also considers noise associated with deliveries, yard activities, noise breakout from units and external plant. Some concerns have been expressed in letters of representation regarding the timing of the NIA and the assessment taking place during a pandemic. Environmental Health have confirmed that the NIA has been undertaken in accordance with the correct methodology and the current pandemic does not alter the conclusion or ability to make an assessment. The report concludes that in absolute terms, no increase in noise would be

measurable at the adjacent residential properties and along the façade of the adjacent Inveralmond Business Centre. The conclusions of the NIA have been accepted by PKC Environmental Health subject to conditions which limit servicing and deliveries to 0700-1900 Monday to Saturday only (Condition 5) and the attenuation of plant noise (Condition 6).

- 61 The proposal is therefore considered to accord with the requirements of Policy 7A and 56 of the LDP2 in relation to construction noise, subject to conditions.

Residential Amenity (Overlooking)

- 62 The separation distances between the proposed development and existing dwellings meet the guidelines of 9 metre window to boundary distances and 18 metre window to window distances. In this instance, there are not considered to be any overlooking concerns associated with the proposal. Whilst there are windows on the south elevation of building 3, these will look towards an existing area of landscaping which provides screening from the rear gardens of properties on Cragganmore Place. This existing landscaping, which is proposed to be retained, will ensure there is no overlooking from the development.

Residential Amenity (Loss of Daylight/Overshadowing)

- 63 Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established planning consideration.
- 64 The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degree rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practice determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.
- 65 Having carried out an assessment of the proposed development, the height of the proposed development does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is considered to be acceptable in terms of its impact on daylight.

Construction and Construction Access

- 66 There is potential for construction operations and construction traffic to be of detriment to the amenity of local residents. It is therefore necessary to consider appropriate mitigation measures during construction to limit the extent of impact on residents as much as possible. A construction method statement has therefore been submitted with the application to outline how construction works are to be undertaken and phased. This indicates that construction will proceed in phases. Phase 1 involves the construction of buildings 1 and 2 on the eastern side of the site, while the remainder of the site is utilised for construction vehicles and site cabins. Phase 2 will then commence following the completion of buildings 1 and 2 where site cabins and parking for construction vehicles will be

moved to the north of the site while works to construct building 3 are commenced. This will ensure the site is utilised for all construction parking operations and will ensure that the public road is not significantly occupied by construction traffic which has been a concern during other recent developments in the area. A condition is recommended to ensure the development proceeds in accordance with the Construction Method Statement or another suitably agreed construction phasing scheme (Condition 7).

- 67 Environmental Health have reviewed the construction method statement and consider this to be acceptable and to provide appropriate mitigation during construction hours subject to conditions which limit construction hours to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government) (Condition 8). A further condition is also recommended for the submission of a Construction Traffic Management Plan to ensure there is control of all construction traffic associated with the development to limit the impact on the local community. This can be secured by condition (Condition 11). Subject to the above mitigation the construction operations can be suitably controlled to minimise the extent of impact on nearby residents as much as possible.

Light Pollution

- 68 Policy 55 of LDP2 states that permission will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The submission includes details of the proposed lighting on site which is mainly focussed within the courtyard area where the proposed buildings will help to screen the lighting from residential receptors. The submission also includes a report demonstrating the illuminance resulting from the lighting and demonstrates that it will not significantly impact on nearby residences. There will also be four street lighting columns on the access into the site. The lighting columns on the street must meet Council standards and will require to be agreed in advance with the Council's Street Lighting Department. An informative is recommended on any permission to ensure the applicant is aware of these requirements. The extent of lighting which is proposed within the site is acceptable and will help to limit light pollution as much as possible whilst ensuring the safety of employees and visitors during hours of darkness. The proposed lighting will also be seen in the context of the existing lighting at adjacent businesses and with the lighting on adjacent residential streets to the south. The proposal is therefore not considered to generate any significant light pollution. A condition is recommended to ensure that there is no light spill onto neighbouring land in the interests of visual and residential amenity (Condition 9). Subject to this condition, the proposal is considered to accord with Policy 55 of the LDP2.

Access/Traffic/Transport

- 69 Policy 60B of LDP2 requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. It also requires the development site to be adequately served by sustainable means of transport. The submission includes an updated Transport Statement (TS) which outlines the implications on the road network of the proposed development. Letters of

representation have also raised concerns regarding the traffic levels on Auld Bond Road currently, given the recent Thermo Fisher development to the north east. The Transport Statement provides an indication of the existing operational characteristics of the site, an assessment of the existing road network and details on the proposed characteristics and transport arrangements for the proposed development. It also includes trip generation data based upon the TRICS database which is an industry recognised standard in assessing potential traffic generation. A number of concerns regarding traffic generation have been expressed in letters of representation from nearby neighbours. PKC Transport Planning have confirmed that the TS has been undertaken using the correct methodology and that there are no concerns with this assessment being carried out during a pandemic as identified in some letters of representation.

- 70 Access to the site is proposed utilising an extension to Auld Bond Road to the south west with a new access to be provided centrally on the south east boundary of the site. The buildings will face into the site with service yard and car parking areas proposed both centrally within the site and towards the north of the site adjacent to the A9. A total of 76 car parking spaces are proposed. Transport Planning have reviewed the layout and consider the new access and parking to be acceptable in terms of road safety. The extent of car parking on the site is acceptable and in accordance with the National Roads Development Guide which requires 1 space per 50sqm of floor space.
- 71 The TS indicates that the overall daily total of movements which is likely between the period of 0500-2100hrs is 99 with 65 departures. This equates to 66 cars arriving and 44 cars departing over this period with the remainder walking, cycling, using public transport or being a car passenger. Given the proposed light industrial use, there is also an expectation that there will be goods vehicles movements, and this is estimated to be no more than two or three two way trips each day. The TS also applies mode share calculations which calculates that 67% of users will arrive by car, 8% as a car passenger, 8% on public transport and 17% walking. The TS then concludes that as the peak times for a Class 4 use are generally outwith normal peak times the impact on the road network during normal peak journey times will be insignificant. Transport Planning have assessed the TS and consider the level of additional traffic to be generated by the proposal to be acceptable and capable of being accommodated on the existing road network subject to conditions.
- 72 The Transport Statement also indicates that the developer will encourage sustainable means of transport and identifies existing pedestrian and cycle routes close to the building. There is a 3m wide shared use path for cyclists and pedestrians on Auld Bond Road. Links to the Sustrans National Cycle Route (NCR 77) are located to the north at Ruthvenfield Road which provides traffic free links into Perth and the north. The site is also well served by pedestrian routes on the core path network along the Mill Lade to the south which provides links into Perth City Centre, to the west towards Almond Valley and the south towards Tulloch and Letham. The access into the site will also include an extension to the shared use path on Auld Bond Road to provide an improved link to the south west. Details of this will be secured by condition (Condition 10).

- 73 In terms of public transport, the closest bus stop is at Auld Bond House adjacent to the Scottish and Southern Energy Offices (SSE) and is served by the 4, 23, 27, 34 and 34A which provide links to Perth City Centre, Aberfeldy, Blairgowrie, Stanley and Spittalfield.
- 74 A bicycle parking area for 8 cycles is proposed on site. A staff green travel plan should also be submitted to ensure that details of measures taken to promote sustainable travel to the site are undertaken (Condition 12).
- 75 In general terms, the site is in a sustainable location and is well served by public transport. Whilst it is accepted that traffic levels on local roads will increase as a result of the development and that there have been traffic increases in the area given the presence of the Thermo Fisher site, the Inveralmond Business Park and the SSE building, there is an expectation, given the allocation of the site for redevelopment that there will be some level of traffic increase in the area as a result of new development. Transport Planning have confirmed that the level of increase is considered acceptable when considered cumulatively with recent development. Furthermore, the application site is in a sustainable location which is well served by public transport and close to existing walking and cycle routes in all directions. The TS demonstrates the extent of increase in traffic levels and that this can be accommodated on the current road network in conjunction with other recent development. Overall, the proposal is acceptable in terms of traffic and road safety and therefore accords with Policy 60B of LDP2.

Developer Contributions

- 76 Policy 5 of LDP2 refers to infrastructure contributions and states that contributions will be sought where the development is considered to generate additional impact on local infrastructure. In this instance, the Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 (SG) applies which requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The level of contribution is calculated based upon floor space as outlined in the Supplementary Guidance. In this instance, the site is located within the Perth Core Area and therefore in accordance with paragraph 6.20 of the SG the contribution equates to 3410sqm x £14 = £47,740. The applicant has indicated that they wish to pay the contribution upfront.

Archaeology

- 77 Policy 26B of LDP2 states that the Council will protect areas or sites of known archaeological interest. In this instance, Perth and Kinross Heritage Trust (PKHT) have stated that the site is close to the historic Perth Town Lade (ref:MPK2508), parts of which date back to Roman Times. There are also potential remains of a Roman Road close to the site. It is therefore recommended that an archaeological evaluation be undertaken to assess the presence/absence of any archaeological remains on site. This can be secured by condition (Condition 13) to ensure compliance with Policy 26B of LDP2. A further condition is also recommended to ensure the provision of protective fencing around the town lade archaeological feature (Condition 14).

Bio Diversity

- 78 Policy 41 of LDP2 relates to biodiversity and seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated. The submission includes an Ecological Survey which has been reviewed and accepted by the Council's Biodiversity Officer. This includes a survey of all potential species on the site and concludes that the site has potential to be habitat for breeding birds and on that basis, recommended that site clearance is undertaken outwith the breeding season. It also recommends that bat boxes are incorporated into the buildings and that a further reptile survey of the site is undertaken. The recommendations and mitigation measures contained within the report will be secured as a condition (Condition 15). The survey also recommends that escape ramps on excavations are provided for mammals. All of the above can be secured by conditions (Conditions 16-18).
- 79 Subject to these conditions it is considered that the proposal will meet the requirements of Policy 41 of LDP2.

Flood Risk

- 80 Policy 52 relates to flooding and states that there is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant possibility of flooding from any source. There is no flood risk apparent on this site.

Drainage

- 81 Policy 53B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. The submission indicates that the proposed development will connect to the public drainage network which is in accordance with the policy. In terms of surface water drainage, this is to be catered for through a SUDS system and details are included within the submitted Drainage Strategy and Drainage Design Report. This has been reviewed by PKC Structures and Flooding who consider it be generally acceptable but with some comments provided on the detailed design. These comments can be addressed by condition (Condition 19) to secure the detailed design of the SUDS system. Subject to this condition the proposal accords with Policy 53C of LDP2.

Air Quality

- 82 The site is located within the Perth Air Quality Management Area where Policy 57 of LDP2 applies. This states that an air quality assessment will be required where the Council considers that there may be an impact on air quality from the development and that mitigation measures are employed. Due to the additional transport levels associated with this proposal, an Air Quality Assessment has been submitted. This indicates that the road traffic which will result from the development is of negligible significance at all receptors and meets Scottish Government objectives. Therefore, the development is not considered to cause significant changes in traffic-related pollutants from the operation. The results of

the assessment have been accepted by PKC Environmental Health subject to conditions relating to the standard of any gas fired boilers and the submission of a Dust Management Plan for the construction stage of development (Conditions 20 and 21). On that basis, the proposal is considered to comply with Policy 57 of LDP2.

Contaminated Land

- 83 The proposed development is on land historically identified as being used for railway operations. There is the potential for the development site to have been contaminated as a result of this former land use. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use as required by Policy 58A of LDP2. This can be secured by condition (Condition 22).

Health and Safety Consultation Zone

- 84 Policy 54 of LDP2 states that the Council must take full account of the advice from the Health and Safety Executive in relation to the proximity of a site to a major hazard or pipeline. The site is located within the inner and middle Health and Safety consultation zone for the Flogas Britain site which is located on the northern side of the A9. The Health and Safety Executive have been consulted and have indicated that they do not advise against the granting of planning permission based upon there being fewer than 100 occupants within the buildings and the buildings being less than 3 storeys in height. In this instance, the buildings are a mixture of single storey and two storeys and the applicant has confirmed that there will be fewer than 100 occupants for each building. On that basis, the proposal is considered to comply with Policy 54 of the LDP2 in regard to health and safety consultation zones.

Waste Collection and Litter

- 85 A bin store area is marked on the submitted plans and the road layout and access to the site can accommodate the bin vehicles required to service the site. PKC Waste Services have been consulted on the proposal and consider the proposed arrangements to be acceptable. Some concerns have been expressed in letters of representation regarding the creation of litter from the site. There is no evidence to suggest that litter levels from the site would be any greater than any other development site. Appropriate provision for waste collection has been provided on the site.

Loss of Value

- 86 The loss of value to an adjacent residential property is not a material planning consideration and therefore has no bearing on the assessment of this application.

Planning Authority with an Interest in the Land

- 87 The Council has an interest in this land. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure

for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

VARIATION OF APPLICATION UNDER SECTION 32A

- 88 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, provision of additional car parking, revisions to the landscaping scheme and submission of amended transport statement, construction method statement, drainage strategy, lighting report and air quality assessment. The variations to the application were re-advertised and neighbours re-notified.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 89 None required.

DIRECTION BY SCOTTISH MINISTERS

- 90 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 91 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 92 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

3. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

5. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

6. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

7. The development hereby approved shall be proceed in accordance with the phasing outlined within the Construction Method Statement (doc ref:38 and 39) or in accordance to a similar Construction Method Statement as is approved in writing prior to the commencement of any development on site.

Reason: To ensure appropriate phasing of the construction on site and to ensure there is adequate space within the site for site vehicles, plant and site

huts and to limit the impact on the public road network and nearby residential receptors.

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

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

9. All external lighting 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 to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: To minimise light pollution in the interests of residential amenity.

10. Prior to the commencement of any development on site, exact details of the proposed shared use path along the new access into the site, and its connection to the existing shared use path to the north east and south west of the site shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented as part of the site development and completed prior to any of the buildings hereby approved being brought into use.

Reason: To ensure the existing shared use path continues along the access into the site in the interests of encouraging the use of sustainable means of transport.

11. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interests of pedestrian and traffic safety and in the interests of residential amenity.

12. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. The TP as agreed shall be adhered to during operation of the site.

Reason: To encourage the use of sustainable modes of transport.

13. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

14. Prior to the commencement of the development hereby approved, protective fencing shall be erected around archaeological feature MPK3508 in a manner to be agreed in advance with the Council as Planning Authority in consultation

with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

15. The conclusions and recommended action points within the supporting biodiversity survey (doc ref:26) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of protecting environmental quality and of biodiversity.

16. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason: In the interests of protecting environmental quality and of biodiversity.

17. Prior to the commencement of development hereby approved, details of the location and specification of five bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the five bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of protecting environmental quality and of biodiversity.

18. All site clearance shall be commenced outwith the bird breeding season (March to August) to the satisfaction of the Council as Planning Authority.

Reason: In the interests of protecting environmental quality and of biodiversity.

19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

20. Prior to the commencement of the development hereby approved a Dust Management Plan (DMP) for the construction stage of the development shall be submitted to and agreed in writing by the Council as Planning Authority.

The DMP shall include monitoring procedures mitigation measures and a complaints procedure as outlined in Appendix D of the Air Quality Screening Assessment report dated June 2021 (doc ref:37). The DMP as approved in writing shall be strictly adhered to for the duration of all construction works on site.

Reason: To control dust emissions during construction in the interests of residential amenity.

21. The installation of any gas fired boilers for the development shall meet a minimum standard of < 40mgNOx/kWh to the satisfaction of the Council as Planning Authority in consultation with Environmental Health.

Reason: In the interests of air quality

22. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.
- Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
7. The applicant should be aware of the requirement to discuss the provision of street lighting on the access into the site with the Council's Street Lighting Team and agreement should be reached within them prior to installation of any street lighting columns.
8. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments as it contains advice relevant to your development.

<https://www.pkc.gov.uk/article/20801/Supplementary-Guidance-Flood-Risk-and-Flood-Risk-Assessments>
9. The applicant should be aware of the comments received from Scottish Water regarding the presence of a Scottish Water asset on the site as identified in the consultation response from Scottish Water dated 29th July 2021 and should

contact Scottish Water at the earliest opportunity to discuss the implications of this on the development.

10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout, access and landscaping and the submission of a revised Transport Statement, Construction Method Statement, Drainage Strategy and Air Quality Assessment.

Background Papers: 8 letters of representation
Contact Officer: John Williamson
Date: 6 January 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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