

LRB-2021-02 – 20/01712/FLL – Erection of ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie

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LRB-2021-02 – 20/01712/FLL – Erection of ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Written submission: please see attached further documentation in support i.e. Grandparent letter, Sun Path Document & Notice of Review document. Hearing sessions: to give maximum detail regarding site and understanding of it's extent, intentions, etc

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No reason. Full unaccompanied site access can be provided.

Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to associated written documentation which appropriately identifies reasons for seeking review

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

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Additional information such as use (or intended) of existing ancillary building, sun paths, etc.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. Completed application for Notice of Review form
2. Applicant cover letter (grandparents)
3. 237-003 Notice of Review Justification document
4. 237-001 Design Statement
5. 237-Site Images Document
6. EX-100 Location Plan
7. EX-101 Existing Site Plan
8. SD-101 Proposed Site Plan
9. SD-300 Proposed Floor Plan
10. SD-500 Proposed Elevation
11. SD-501 Proposed Elevation
12. SD-502 Proposed Elevation
13. SD-503 Proposed Elevation

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Ian MacGregor (IMAC Architecture)

Date

26th January 2021

Ref No 20/1712/FLL

Ancillary Accommodation

at Robins Mead
Blairgowrie PH10 6JX.

16th Jan 2021.

Dear Sir/Madam.

It was a bitter disappointment to hear, the planning for Ancillary Accommodation at Robins Mead had been refused.

Our Grandson Ryan + his wife Louise have been looking after us for a few years now, washing clothes/shopping/cleaning etc.

This year has been very difficult with the covid restrictions, so it was suggested that accommodation be built in their garden.

We were thrilled and jumped at the chance, it would mean, instead of them travelling backwards + forwards - we would have all the care + support - right on our doorstep.

We would need 2 bedrooms as my husband has COPD + is registered Blind, he has continuous chest infections - which cause a lot of coughing and disturbance at night - I would need another room to get my sleep. (he is a registered patient at Aylsh Health Centre).

This was to be the answer to our prayers, help right on the doorstep 24 hours.

We are so lucky to have a family that want us to be beside them - so they can look after us, and love us.

Please Please will you reconsider this application, to make this all possible.

Yours sincerely

(Claire Walker Age 77)

(Robert Walker Age 88)

From: Ian MacGregor <ian@imacarchitecture.co.uk>
Sent: 11 January 2021 15:47
To: 'Gillian Peebles'
Subject: FW: 20/01712/FLL - Robins Mead, Woodlands Road, Blairgowrie

Importance: High

Good afternoon Gillian,

Thanks for your e-mail which I've discussed at length with my Client. Following that, we are seeking further insight and clarity on your decision.

On the matter of your statement that the '*proposal is **tantamount** to a new dwellinghouse*', whilst it's acknowledged the accommodation has the 'facilities' one would expect to find in a 'dwellinghouse', I reinforce the following:

- The accommodation proposed is unequivocally a 'caravan', falling wholly within the Mobile Homes Act 2013 and cannot be deemed a dwelling. The act states: '*any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted*'. On the matter of transportation, this has been confirmed via prior correspondence. Our supplier can provide written confirmation of compliance.
- The accommodation proposed is of a temporary nature, will be sited to temporary and not permanent substructure/substructure – refer to prior planning drawings – and cannot be deemed a 'dwelling'.
- It is evident that there exists a clear dependency to the main dwelling at all times e.g. services, vehicular access, wholly within the existing dwelling curtilage. Thus the accommodation is ancillary and not a new dwelling.
- The accommodation will remain under the same ownership and legal title as the main dwelling and not be let separately. Thus the accommodation is ancillary and not a new dwelling.
- The accommodation has a very clear and evident functional connection to the main dwelling i.e. the occupants are intended to be dependent relatives, whom are elderly, registered disabled and for whom immediate care needs by family are paramount. There is no intent for occupancy by persons unknown or external to the applicant. Thus the accommodation is ancillary and not a new dwelling.
- There exists wholly adequate parking and amenity facilities for both the accommodation and dwelling, all sited wholly within the existing site curtilage. Thus the accommodation is ancillary and not a new dwelling.

On the matter of scale, I reinforce the following:

- In determining best location within the site, full consideration was given to all aspects. In particular, the scale of building (modest low profile unit), location (proposed behind 2.5m plus hedging, existing outbuildings with higher ridge lines that those of the ancillary accommodation and to the area of site furthest from (limited) view off Woodlands Road. In considering those aspects, it is felt the accommodation would have no material impact on the immediate and wider surrounding area; nor the residential amenity of any neighbours. The unit size selected was given great consideration to ensure that it was wholly subservient to the main dwelling and not disproportionate within the site. That is evidenced by the mass of the building and its percentage of footprint relative to the entirety of the existing plot size.
- On the subject of scale, I reinforce that the proposed footprint of 62m² relates to a total of 2.7% of the total site area and cannot therefore constitute over development.

On the matter of the 'lack of relationship between the use of the structures' and that it is 'disjointed from the main unit' I wish to reinforce the following:

- I'm unclear as to the full meaning and wish clarity on that.
- The distance between structures is a mere 20m and considered to be in an appropriate proximity to be deemed ancillary.

On the critical matter of accommodation for the applicant's grandparents and their immediate care needs, I wish to reinforce the following:

- The applicants occupation within Police Scotland is as a Police Officer. As a key worker, he is not afforded the opportunity to operate from home and with continuous public interaction required, is subject to significantly higher risk of catching (and transmitting) Covid. In consideration of his grandparents – whom fall within the UK Governments highest risk category for both critical illness and death from Covid - residing within the main house is simply not optional. Therefore, the ancillary accommodation is proposed with facilities sufficient for temporary independent living in the event self-isolation being required. It is considered important to highlight that whilst the accommodation has independent living facilities, the primary intention is very much that all meals, laundry facilities, etc are provided by the applicants to his grandparents. The secondary backstop scenario would be that should the applicant (and family) be required to self-isolate, the grandparents could permit an external carer to attend site, use the facilities of the proposed accommodation and cover requisite care needs.

On the matter of the proposed drainage system, I wish to reinforce the following:

- I note you deem the localised drainage system is contrary to Policy 53. However, policy 53 affords an element of flexibility and states: *'In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area.'* In response, significant consideration was given to the drainage infrastructure; both in curtilage and mains. Following investigation – and using prior experience of Woodlands Road – it was determined that connection to the existing drainage infrastructure presented increased challenges to that of a localised private drainage system. It can be seen from the attached Scottish Water drawing that there is 'little or no public sewerage system' to the immediate boundary of the application site. Further that the inclusion of a localised private drainage system – designed to be compliant with Technical Standards (Domestic) 2019 – *does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area.* It is therefore considered that the application proposal is the most reasonably practicable solution. I take the opportunity to advise that all other services i.e. water, electricity and gas are proposed as direct connection to the existing dwelling; as would be expected for an ancillary building. I highlight the Applicants willingness to explore the option of utilising existing drainage.

Moving forward, we are seeking responses to the above where applicable. Further, in seeking clarity of future options, we seek confirmation of the following:

- What are our avenues of appeal (should the decision be final)? On that matter, it is felt we have a cogent case for appeal.
- What are our avenues for permitted development? Having undertaken a detailed assessment of permitted development rights within the Guidance on Householder Permitted Development Rights (Circular 1/2012), should we remove the kitchen, the accommodation cannot be utilised for independent living and cannot be considered a 'dwelling'. Therefore, we fully meet all the criteria for ancillary accommodation and are afforded the ability to erect without any consent. Can you please confirm?
- Is there any planning avenue for temporary consent?
- Is there any planning avenue for a Conditioned consent?

On the matter of prior success, IMAC Architecture secured planning successfully to application reference: 19/01878/FLL. That development is of a virtually identical nature in all respects and afforded approval. Whilst I understand each site is dealt with on it's own merits, the principal of accommodation and use are aligned, leading to a level of confusion as to what is considered compliant with policy. Can you please clarify?

Would you be able to call me to discuss further or vice versa?

Kind regards,

Ian

From: Gillian Peebles [REDACTED]
Sent: 08 January 2021 12:54
To: 'ian@imacarchitecture.co.uk' <ian@imacarchitecture.co.uk>
Subject: RE: 20/01712/FLL - Robins Mead, Woodlands Road, Blairgowrie

Good Morning Ian

I am just in the process of preparing the report on this one and remembered I had seen an email from you when I returned after the Christmas break so apologise for the delay in replying.

Unfortunately I am recommending refusal due to concerns that, amongst other things, the proposal is tantamount to a new dwellinghouse. It is too generous in scale and disproportionate to the scale already on site. The location of the unit within the site appears disjointed from the main unit. Effectively the development forms a separate planning unit given the degree of separation and lack of any relationship between the use of the structures. The proposal is not considered to be ancillary to the main dwelling and as such will not function as an annex.

There are also concerns in relation to it having its own drainage system and whilst the reasoning behind this has been documented in the supporting statement it is considered to be contrary to Policy 53. An ancillary building should really be connected to the existing house in terms of services. It is acknowledged that connecting to existing would be complex and expensive which brings in to question its location within the site. It is further acknowledged there are neighbouring properties which are not connected to the public mains, however, these relate to standalone dwellings and not ancillary buildings. There are a number of outbuildings located within the site, of which are of a generous scale. It may be worth exploring other options if this has not already been done.

I appreciate this is not the response you were hoping for.

Kind Regards


Gillian Peebles
Planning Officer
Development Management
Planning and Development
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Phone: 0 [REDACTED]
Email: [REDACTED]
Website: www.pkc.gov.uk

Working Pattern: *Monday, Wednesday, Friday - 0700 – 1300
Tuesday, Thursday - all day*



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 please don't print this e-mail unless you really need to

From: ian@imacarchitecture.co.uk <ian@imacarchitecture.co.uk>
Sent: 22 December 2020 22:07
To: Gillian Peebles [REDACTED]
Subject: RE: 20/01712/FLL - Robins Mead, Woodlands Road, Blairgowrie

IMAC : ARCHITECTURE

Good evening Gillian,

I'm just checking to see if any progress has been made in the determination of planning application reference 20/01712/FLL for Robinsmead, Blairgowrie.

Kind regards,

Ian

IMAC Architecture | 5 Hawthorn Place | Blairgowrie | Perthshire | PH10 6UP

T: 01250 873298 | M: 07980 720 766 | E: ian@imacarchitecture.co.uk

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Notice of Review Document Reference 237-003

Prepared to Supplement the Application for Notice of Review

for

Erection of New Ancillary Accommodation

at

Robinsmead, Woodlands Road, Blairgowrie, Perthshire, PH10 6JX

for

Mr. Ryan Walker

January 2021

1.0 Justification:

Summary of the Case for the Notice of Review for Proposed Erection of Ancillary Accommodation:

The application for Notice of Review has been submitted following the refusal of initial application reference 20/01712/FLL, 13th January 2021.

The application was administered with the following reasons for refusal:

- 1. As a consequence of the design, scale, position and lack of functional relationship with the main dwellinghouse, the development is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019). The location of the proposal and subsequent surrounding garden ground, along with the separate drainage connections, and extent of accommodation proposed, means that the proposed ancillary accommodation could be readily severable from the main dwellinghouse and is therefore tantamount to a new dwelling.*
- 2. As the proposal has the potential to result in the loss of light to an adjacent residential property (Little Struan, Woodlands Road) to the detriment of the neighbouring properties residential amenity, the proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019, which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.*
- 3. The proposal is contrary to Policy 53B - Water, Environment and Drainage (Foul Drainage) of the Perth & Kinross Local Development Plan 2 (2019) in that the proposals fail to connect to the public sewer.*

The following responses are to each individual reason for refusal:

1. The definition of the term 'functional' is: 'of or having a special activity, purpose or task'. In the context of the proposed accommodation, it is clear and evident from the Design Statement submitted at the time of original application, the 'special activity, purpose or task' is to permit elderly grandparents, with registered disabilities, the opportunity to be in immediate proximity to a close-knit family unit, whom will provide permanent care needs in unprecedented times. That the Applicants grandparents wish to reside together, have the daily company of each other, remain in an environment where they feel safe and are shielded during the ongoing pandemic is paramount. Extensive family discussion and investigation of care options were considered but ruled out. The possibility of full-time residency within a care home/separate care homes - where it is statistically proven that the risk of contracting Covid-19 is significantly increased – is not considered an appropriate option.

The scale of the building – which accommodates a mere 2.5% of the total site area - has been dictated by the very specific care needs of the intended residents i.e. the applicants grandparents. In terms of accommodation requirements, consideration was given to a singular bedroom unit to diminish footprint (and scale), but due to the very specific needs of both individuals, each requires a dedicated bedroom. Further, consideration was given to the provision of a (limited) kitchen versus none. It was agreed that whilst the majority of kitchen-based needs would be met by the Applicant and extended care bubble, a degree of independent living should be incorporated. The height of the building is as low as practicably possible with a pitched roof resulting in an apex height of no higher than 3.10m. The pitch diminishes to an eaves height of 2.365m which is undoubtedly below the topside of the existing hedge and is therefore of a subservient scale.

The delegated officer identifies the existence of a 2-bedroom detached cottage to site but omits to mention it is multi-storey and that those bedrooms are sited to first floor level. Given the age, impaired mobility and undoubted progressive further decline of physical fitness of the Applicant's

grandparents, it is simply not considered a reasonable expectation for them to reside in a building where freedom of movement cannot be achieved. On the matter of useable floor area, the existing ancillary building contains only 30m² of habitable ground floor accommodation i.e. no more than 50% of that to the ancillary accommodation applied for.

The abovementioned factors were key drivers in submission of the proposal for a single level ancillary unit. Further, the applicant's spouse operates her own childcare business and wishes to consider the potential future use of the cottage as childcare space and dedicated office/storage facilities. The cottage and opportunity it afforded for personal business growth was a key driver in the Applicant's purchase of the dwelling in August of 2020.

The location - to a vacant unkempt former allotment area within the site curtilage – was given significant consideration. It is the most concealed area of the site which takes into consideration, but is not limited to: 1) the material impact on the existing host dwelling; 2: visual prominence from the main road and impact on streetscape; 3) the residential amenity of dwellings to the immediate and wider surrounding areas. Its surrounding high hedge boundaries also make it the most logical plot within the site curtilage for development.

On the matter of drainage, I refer to the appended IMAC Architecture e-mail to Development Management of 11 January 2021. Again, we reinforce that a separate drainage connection was proposed due to economic benefit. Within that e-mail, there is a demonstrable willingness from the Applicant to explore alternative options i.e. the more costly method of tying all existing services into the main dwelling.

The reason for refusal states: *'the proposed ancillary accommodation could be readily severable from the main dwellinghouse and is therefore tantamount to a new dwelling'*. That however is in direct conflict with the statement contained within the Report of Handling that: *The structure will be transported to site via a lorry and positioned on the proposed base. As such the proposal is in effect a "caravan"*. That is direct acknowledgement that the structure is of a temporary nature. How therefore can it be considered or determined as a dwelling? There are many examples of transportable buildings falling within the Mobile Homes Act 2013 within which there are facilities on a par with a dwelling. That does not however make them a 'dwelling'.

On the matter of the ancillary accommodation being 'readily severable from the main dwellinghouse', that unequivocally is not, nor has ever been the Applicant's intention. As is perfectly achievable under Planning law, non-separation could be controlled by the application of a Suspensive Condition. That opportunity was never discussed nor offered but is something the Applicant would unequivocally embrace.

2. Reason No.2 for refusal states the proposal has the *'potential to result in the loss of light to an adjacent residential property (Little Struan, Woodlands Road) to the detriment of the neighbouring properties residential amenity'*. We highlight the key use of the word **'potential'** and that no evidence has been provided in support. It is therefore merely speculative and based on a desktop study. Reference should be made to the detailed winter and summer solstice sun path analysis document reference 237-004. The content clearly demonstrates through siting of the proposed accommodation to the north-east of Little Struan, that there is no material impact to their residential amenity space.

In the context of the Report of Handling, the officer states: *The proposal structure is to be located within close proximity of a shared boundary (south west) at an approximate distance of 1.5m. Windows are proposed on this elevation and due to the close proximity of the neighbouring property will result in a window to window relationship of approximately 7.5m. In order to protect the residential amenity of all parties concerned, a separation distance of 18m window to window should be achieved or at the very least a distance of 9m from the new window to a shared boundary. Given*

the window proposed is to the rear of an open plan area, that window could have – upon request - been omitted. That would have addressed the objection. Further, whilst there is no intent to remove the high boundary hedge, again, consideration towards future boundary mitigation e.g. 1.80m high fencing could have been controlled by the application of a Suspensive Condition. That opportunity was never discussed nor offered but is something the Applicant would unequivocally embrace.

3. Reason No.3 for refusal states: *The proposal is contrary to Policy 53B - Water, Environment and Drainage (Foul Drainage) of the Perth & Kinross Local Development Plan 2 (2019) in that the proposals fail to connect to the public sewer.* I reinforce the content to response no.1 above i.e. the Applicants willingness to 'explore alternative options i.e. the more costly method of tying all existing services into the main dwelling'. Equally to reinforce that the offer to do so was issued via e-mail to the delegated officer on 11th January 2021 but no detailed response on the item received.



Sun Path Document Reference 237-004

Prepared to Supplement the Application for Notice of Review

for

Erection of New Ancillary Accommodation

at

Robinsmead, Woodlands Road, Blairgowrie, Perthshire, PH10 6JX

for

Mr. Ryan Walker

January 2021



Image 001 (Winter Solstice Sun Path @ 8.46am): The image identifies the morning rise point of the sun and its location at sunrise (08:46am) relative to the site and neighbouring south west located Little Struan. It is clearly demonstrated that the sun is not prevented from entering the residential amenity area of Little Struan

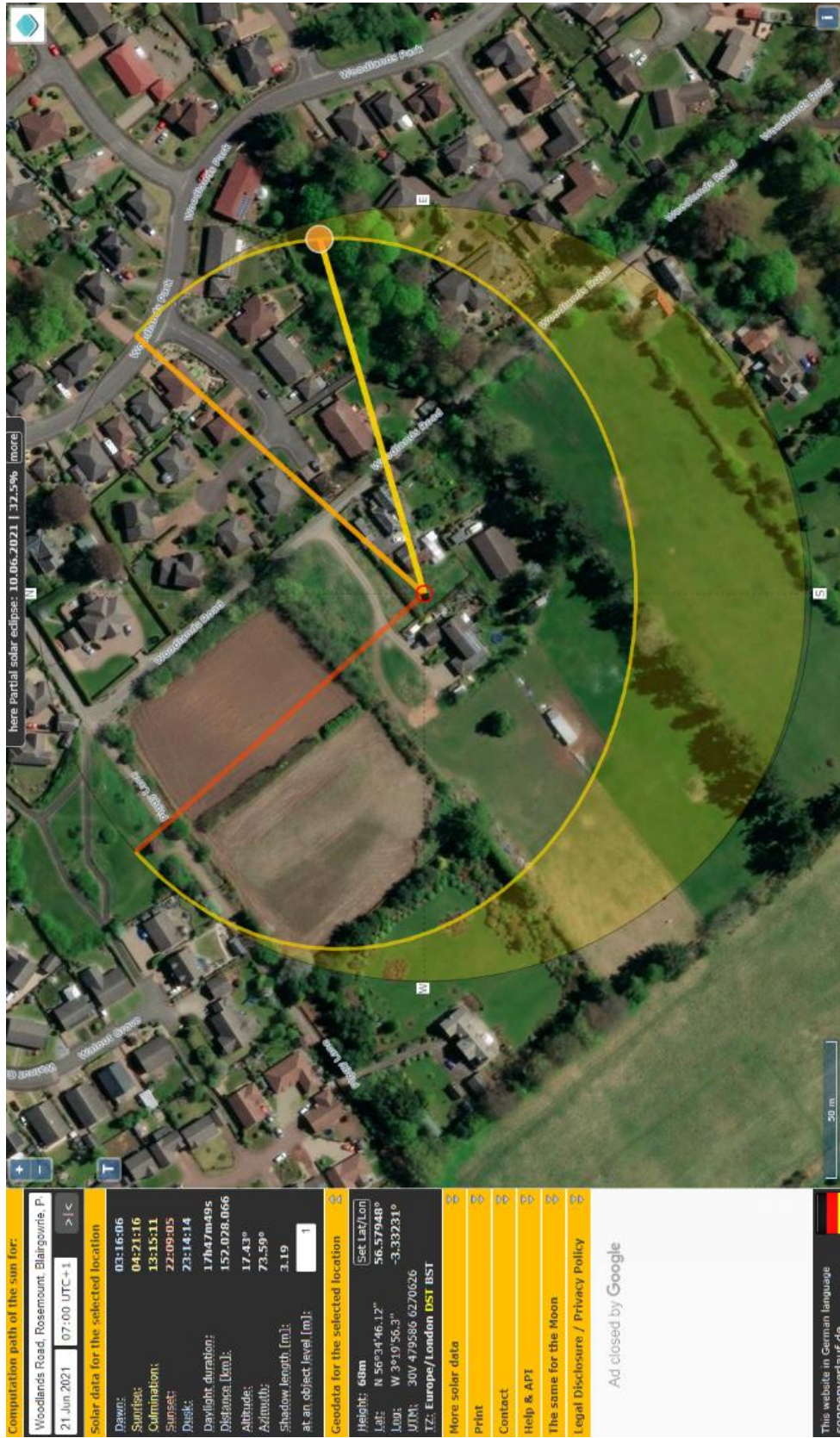


Image 002 (Summer Solstice Sun Path @ 8am): The image identifies the morning rise point of the sun and its location at 07:00am relative to the site and neighbouring south west located Little Struan. It is clearly demonstrated that the sun is not prevented from entering the residential amenity area of Little Struan



Image 003 (Summer Solstice Sun Path @ 8am): The image identifies the morning rise point of the sun and its location at 08:00am relative to the site and neighbouring south west located Little Struan. It is clearly demonstrated that the sun is not prevented from entering the residential amenity area of Little Struan

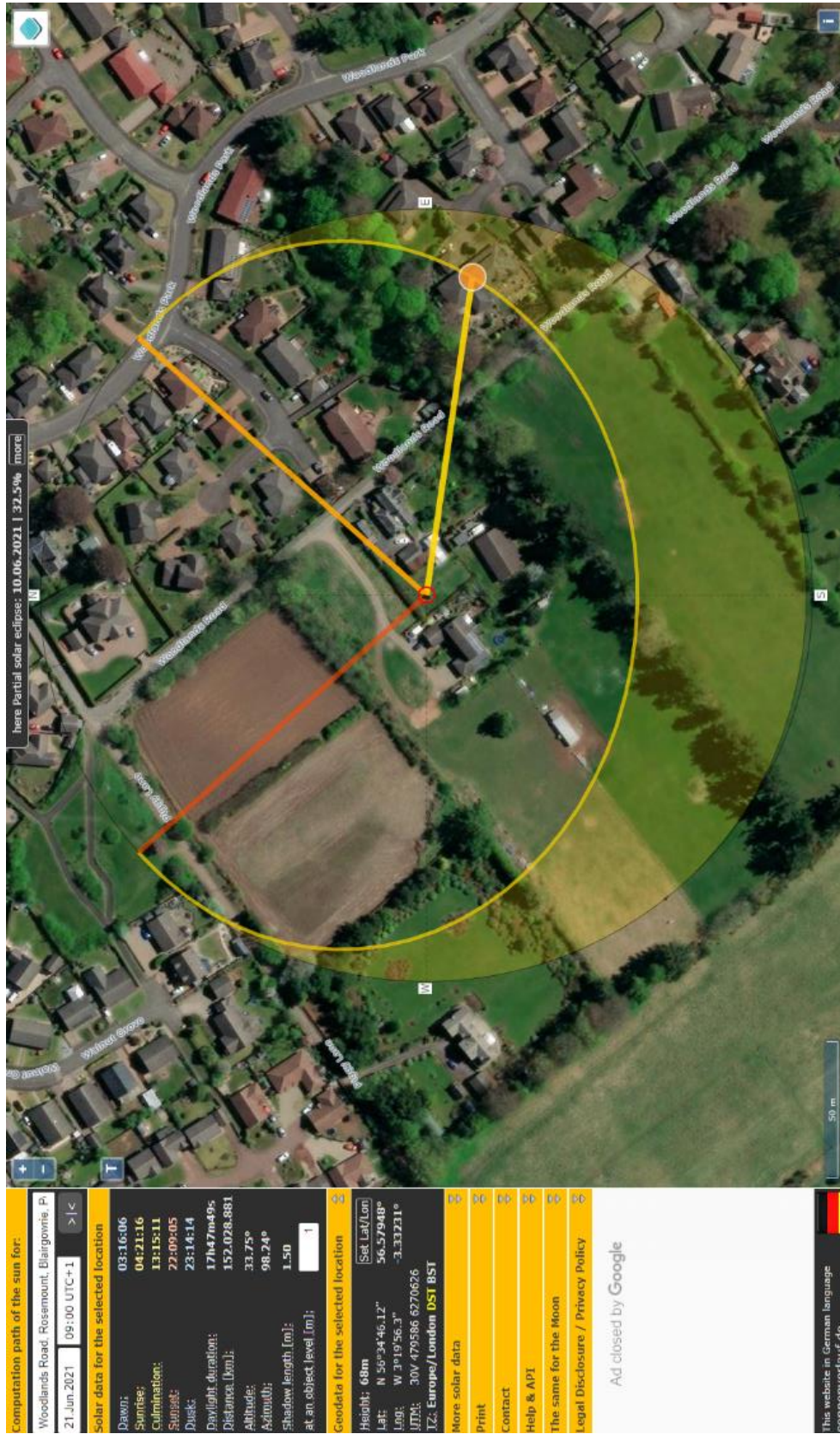


Image 004 (Summer Solstice Sun Path @ 9am): The image identifies the morning rise point of the sun and its location at 09:00am relative to the site and neighbouring south west located Little Struan. It is clearly demonstrated that the sun is not prevented from entering the residential amenity area of Little Struan

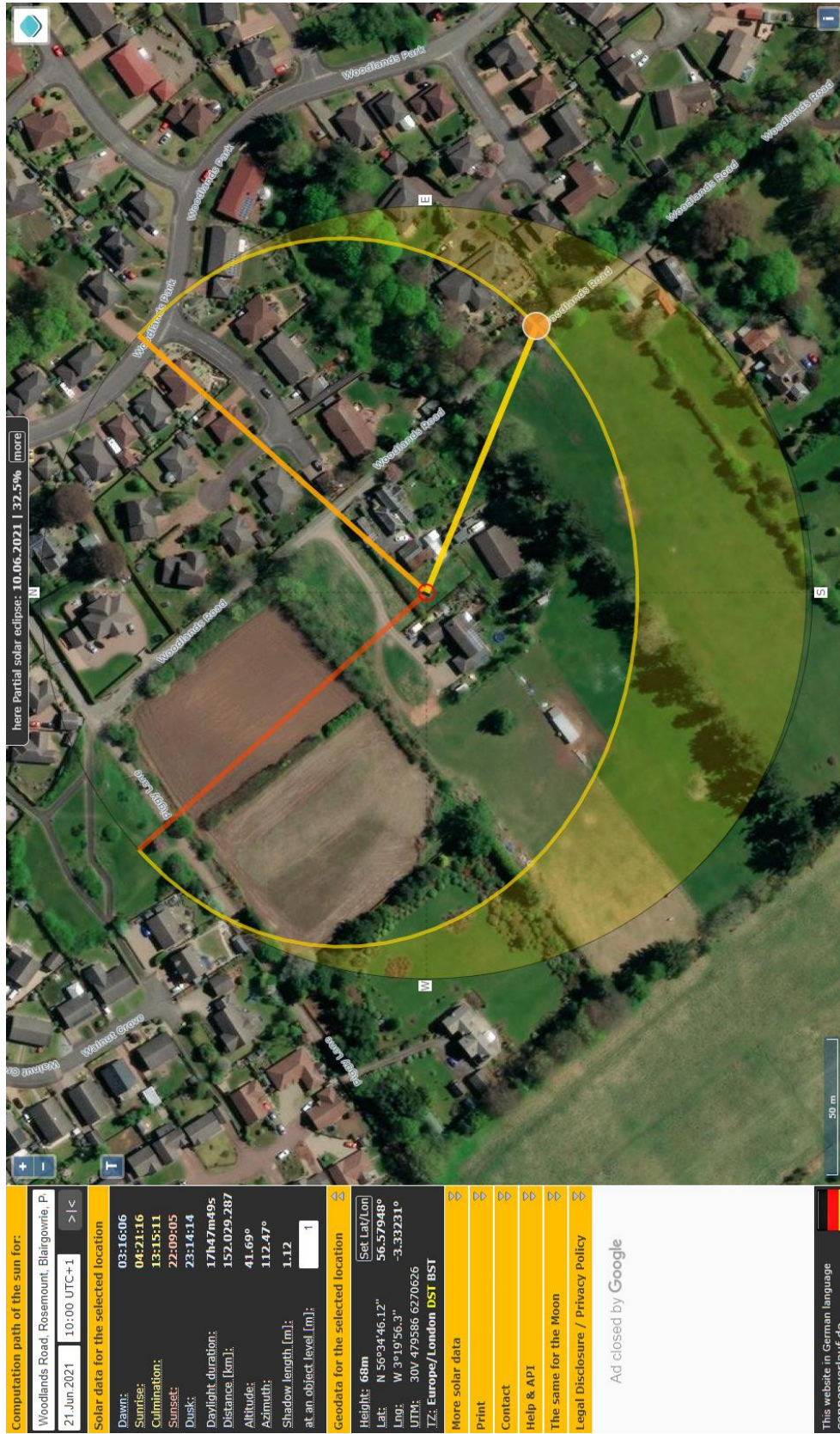


Image 005 (Summer Solstice Sun Path @ 10am): The image identifies the morning rise point of the sun and its location at 10:00am relative to the site and neighbouring south west located Little Struan. It is clearly demonstrated that the sun is not prevented from entering the residential amenity area of Little Struan

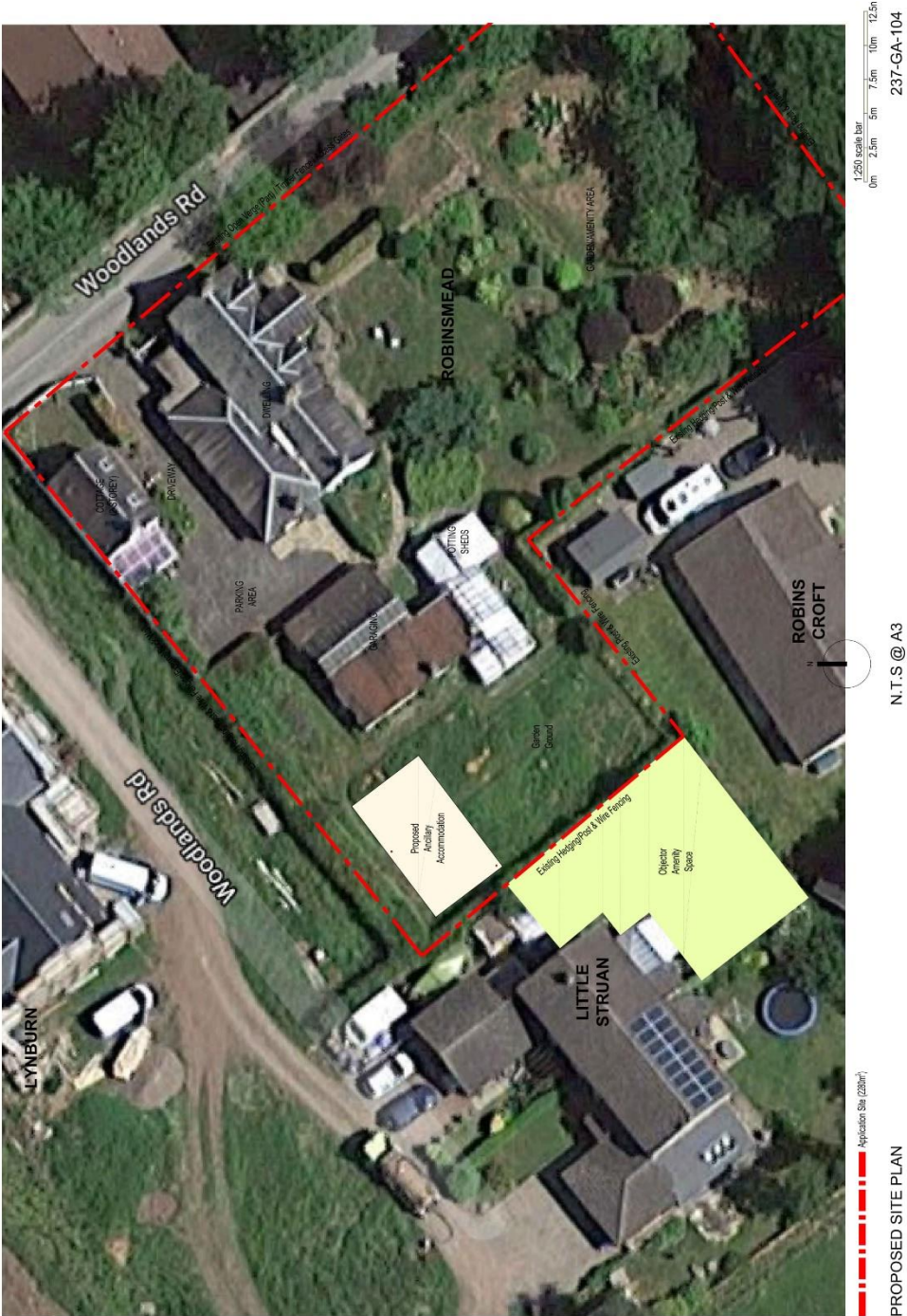


Image 006 (Aerial Plan): The image identifies the location of proposed accommodation in relation to the objectors amenity space (for daylight purposes).
Proposed accommodation located north east and therefore out with rising sun/daily sun path



Image 007 (Little Struan Gable): The image identifies the location of the existing high level boundary hedging between Little Struan and development area.



Planning Statement: 237-001

Prepared to Supplement the Planning Application

for

Erection of New Ancillary Accommodation

at

Robinsmead, Woodlands Road, Blairgowrie, Perthshire, PH10 6JX

for

Mr. Ryan Walker

October 2020

Executive Summary:

1.0 Summary of the Case:

Summary of the Case for the erection of new Ancillary Accommodation for family care.

The proposed principle of erection of new ancillary accommodation for family care needs of the Applicant on this site is considered **to satisfy** the main determining policies of the Local Development Plan 2 (November 2019).

It is considered that the ultimate residential **build potential** of the Application Site **has not been met** and that the proposed location to form ancillary accommodation is a **logical plot for development** within the existing residential site and wider building group.

The existing property curtilage plot extends to some **2282 sq metres** which is similar in size to and in most cases larger than a number of the existing adjacent properties. The footprint of the proposed ancillary accommodation is 62 sq metres. The ancillary accommodation footprint, together with the existing dwelling and existing site buildings footprint, resulting in a total of 332 sq metres, equates to a site development footprint of **14.5% overall** and therefore **does not constitute overdevelopment**.

In addition, the ancillary accommodation will **enhance the visual and residential amenity** and make a **positive contribution** to the local environment. Ancillary accommodation in this location will be **easily accommodated** and has been designed to **relate well** in a **logical and sympathetic manner, round off and consolidate** of the established building group.

The low-level form of the ancillary accommodation is considered to **minimise the impact on site development and the surrounding environment** i.e. properties to the immediate south, west and north boundaries and fully respects their views and topography.

Therefore, the consideration is whether the site can accommodate the proposed ancillary accommodation. Given the site area available and the location of the proposed accommodation within the site, its relationship to the surrounding settlement, the level of residential amenity to remain with Robinsmead, it is considered that ancillary accommodation of the scale and character proposed **can be accommodated without detriment**.

Further, the ability to achieve the requisite level of ancillary accommodation will permit the grandparents of the Applicant to achieve their strong desire to reside in and retain their 47-year association within the community and wider surrounding area.

Finally and most importantly, the ability to form new ancillary accommodation will **allow** the Applicant to ensure that **ongoing 24/7 care provision for his grandparents** by a close-knit family network is maintained to suit her current and future requirements.

2.0 Background Information:

2.1 Application site proposal

The proposed works associated with the planning application consist of the erection of new ancillary accommodation.

2.2 Applicant

Mr. Ryan Walker, Robinsmead, Woodlands Road, Blairgowrie, Perthshire, PH10 6JX

2.3 Agent

IMAC Architecture, 5 Hawthorn Place, Blairgowrie, Perthshire, PH10 6UP

3.0 Client Brief:

The Applicant's elderly grandparents have for 21-years resided at their own property in the nearby town of Alyth. Their reason for selling of the existing property is that due to increasing age, the existing house and gardens were deemed to extensive in terms of size and upkeep. Thus, family agreement has been made that existing and future care needs be provided by their grandson and wider family. Following assessment of many housing options in the immediate and wider surrounding area, it is considered to best suit the needs of the Applicant's grandparents, they relocate to Robinsmead. With privacy requirements for all being considered, the erection of ancillary accommodation is desired as it would give the freedom of independent living but with the protection measure of immediately accessible family care.

4.0 Site Details:

4.1 Site Location

The Application Site is located to northern end of the unclassified Woodlands Road which itself is located within the town burgh of Blairgowrie. Refer to Architectural site location plan reference: 237/EX/100.

4.2 Site Description

The Application Site currently comprises of a residential plot which is bounded to its immediate east by the unclassified Woodlands Road; to its south and west by existing residential plots; to its north by a private vehicular access track serving dwellings and a field within the immediate and wider area, and to the opposing track edge, a residential plot.

The Application Site is occupied by a detached storey and a half dwellinghouse that itself has been subject to a number of alterations and extensions over some years. Further Application Site buildings consist of an existing ancillary building, garaging and expansive greenhouses.

The Application Site existing dwelling is a mixed palette of materials consisting of timber/UPVC doors and windows, pitched style profile slate roofs with dormers felt flat roof, walls of dressed sandstone and painted stone effect render, UPVC and cast iron rainwater gutters and downpipes. The existing dwelling is, in the majority, of a traditional form and reflective of architecture of its time.

All boundaries are fully defined by a mixture of pre-existing fencing and mature soft landscaping.

4.3 Site History

The Application Site planning history has been investigated via Perth and Kinross Public Access portal and no evidence of historic works requiring statutory consent was established.

4.4 Site Ownership

The application site is owned solely by the Applicant seeking to obtain planning permission for the new ancillary accommodation.

5.0 Considered Policies of Perthshire Local Development Plan 2 (November 2019):

5.1 Policy P1: Placemaking

Policy P1A states:

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

In response to the abovenoted policy, it is considered the formation of ancillary accommodation to the location proposed within the immediate and wider application site, the development is considered to fully respect the character and amenity of the place. Further, the development contributes positively to the quality of the surrounding built and natural environment and is appropriate to the local context, scale and nature of the area.

5.2 Policy P1: Placemaking:

Policy 1B states:

All proposals should meet all the following placemaking criteria:

(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.

(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.

(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.

(f) Buildings and spaces should be designed with future adaptability in mind wherever possible.

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

(i) Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).

(j) Sustainable design and construction.

In response to the abovenoted policy, it is considered the formation of ancillary accommodation to the location proposed within the immediate and wider application site, the low-slung would sit below the height of existing adjacent application site buildings and boundary treatments (hedging), thus fully respecting the site topography, views and skyline, including the wider landscape character of the area.

The design is specifically selected to be as minimalist and compact as is considered reasonably practicable to provide living accommodation considered appropriate for the occupants. It is also proposed that it occupies a former private allotment area so as not to encroach unnecessarily into existing dwelling amenity space; which is allocated elsewhere within the application site.

It is therefore considered that the proposed ancillary accommodation fully respects the density of the immediate and wider surrounding area. Further, the design height, scale and massing specifically match or fall below that of other buildings contained to adjacent properties.

Policy 2: Design Statements:

Policy 2 states:

Design statements will normally need to accompany a planning application if the development:

(a) comprises five or more dwellings; or

(b) is a non-residential use greater than 0.5 ha in area; or

(c) affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument.

A design statement may also be required to accompany a Planning Application for other forms of development where design sensitivity is considered a critical issue. If applicants are uncertain as to whether a design statement is expected, or on the level of scope and detail that will be appropriate, then the views of the Council should be sought.

In response to the abovenoted policy, it is considered that whilst the development proposals do not fall under any category listed to Policy PM2: Design Statements that one should be provided to support the proposals and provide a broad understanding of Client reasons for undertaking an application.

5.3 Policy 17: Residential Areas:

Policy 17 Residential Areas states:

The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

(a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.

(b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.

(c) Proposals which will improve the character and environment of the area or village.

(d) Business, home working, tourism or leisure activities.

(e) Proposals for improvements to community and educational facilities.

In response to the abovenoted policy, it is considered that the proposals will contribute positively to the character and environment of the immediate and wider surrounding area.

5.4 Policy 53: Water Environment and Drainage:

Policy 53B states:

Foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks and applicants should also demonstrate suitable maintenance arrangements will be put in place for communal systems.

In response to the abovenoted policy, it is highlighted that in conjunction with a drainage contractor, it was deemed that connection of new foul drainage to the existing mains would be cost prohibitive and complex. It is therefore proposed that a localised septic tank, sized appropriate to the context of the application site proposals, be sited in accordance with drawing reference SD-101. It is considered appropriate to highlight that the dwellings sited immediately adjacent i.e. Lynburn, Little Struan and Inchfield, are all currently serviced by private drainage arrangements.

Policy 53C states:

All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures including relevant temporary measures at the construction phase. SUDS will be encouraged to achieve multiple benefits, such as floodwater management, landscape, green infrastructure, biodiversity and opportunities to experience nature near where people live. Ecological solutions to SUDs will be sought and SUDS integration with green/blue networks wherever possible.

In response to the abovenoted policy, it is considered that all surface water drainage will be wholly site contained and serviced by the installation of localised surface water soakaways; as is now a mandatory requirement by Scottish Water.

Further Policy Considerations:

It is highlighted that in investigating further Policy documentation, full material consideration has been given to the criteria set out within the following:

- Perth & Kinross Housing in the Countryside Policy
- Perth & Kinross Council Local Development Plan 2 (November 2019)
- TAYplan 2012
- Scottish Planning Policy
- Scottish Executive PAN (Planning Advice Notes)

6 Public Involvement:

No public consultation has been considered necessary as part of the pre-application process to date. It is noted that as an integral part of the statutory process for Planning Application, Perth and Kinross Council as the determining local authority will advertise the application through the appropriate media outlets, bringing the proposals to public attention.



External Images Document Ref: 237-001

Prepared to Supplement the Planning Application

for

Erection of New Ancillary Accommodation

at

Robinsmead, Woodlands Road, Blairgowrie, Perthshire, PH10 6JX

for

Mr. Ryan Walker

October 2020



Image 001



Image 002



Image 003



Image 004



Image 005



Image 006



Image 007



Image 008



Image 009



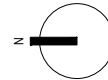
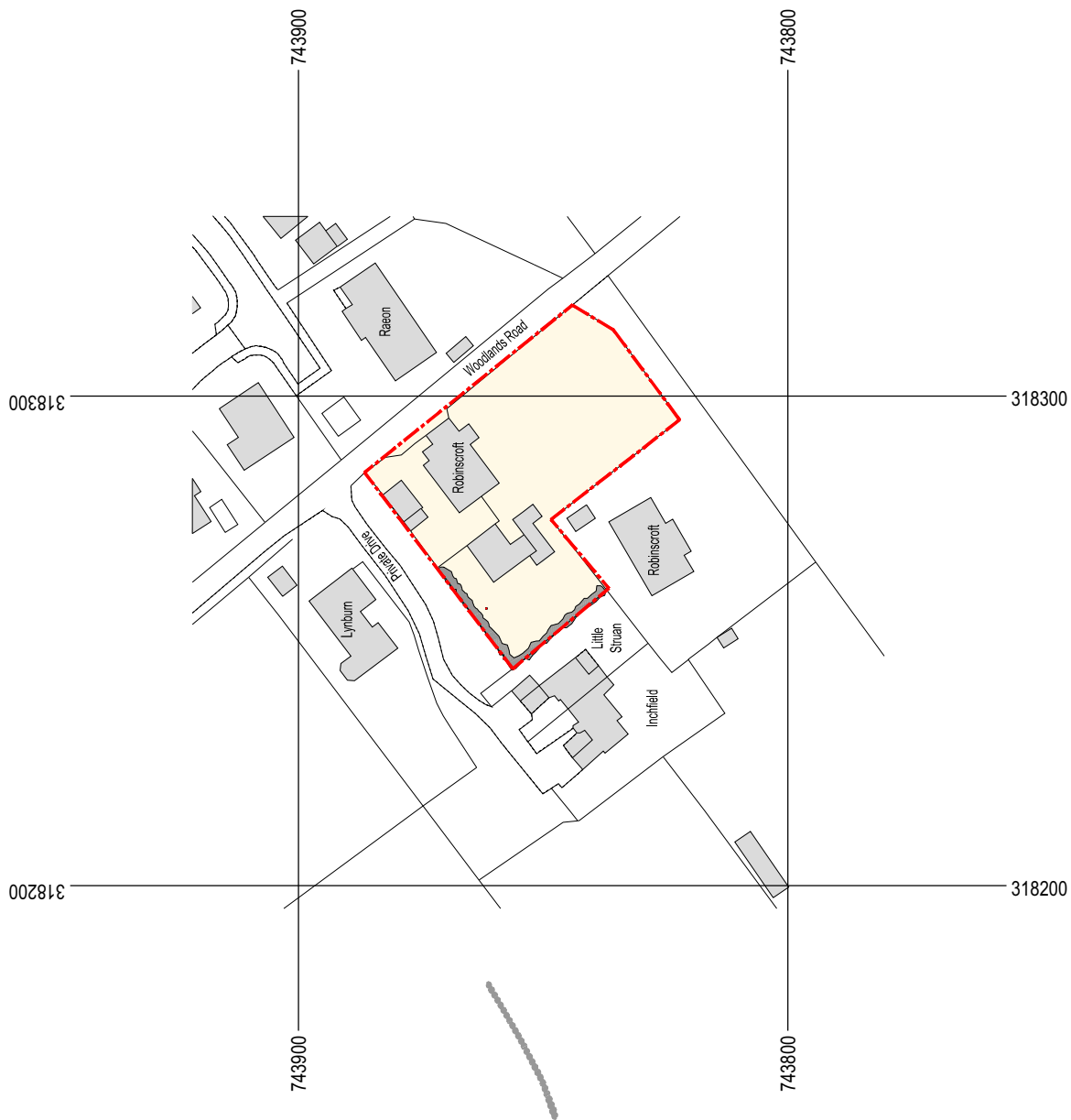
Image 010



Image 011



Image 012



1:1000 scale bar
0m 10m 20m 30m 40m 50m

Application Site (2280m²)

LOCATION PLAN

1:1000 @ A3

237-EX-100

ERECTION OF NEW ANCILLARY ACCOMMODATION
at ROBINSMEAD, WOODLANDS ROAD, BLAIRGOWRIE, PERTSHIRE for MR. RYAN WALKER

PLANNING

IMAC ARCHITECTURE : 5 HAWTHORN PLACE : BLAIRGOWRIE : PH10 6UP
T: 01250 873298 M: 07980 720 766 E: IAN@IMACARCHITECTURE.CO.UK



Application Site (2280m²)



EXISTING SITE PLAN

1:250 @ A3

237--EX-101

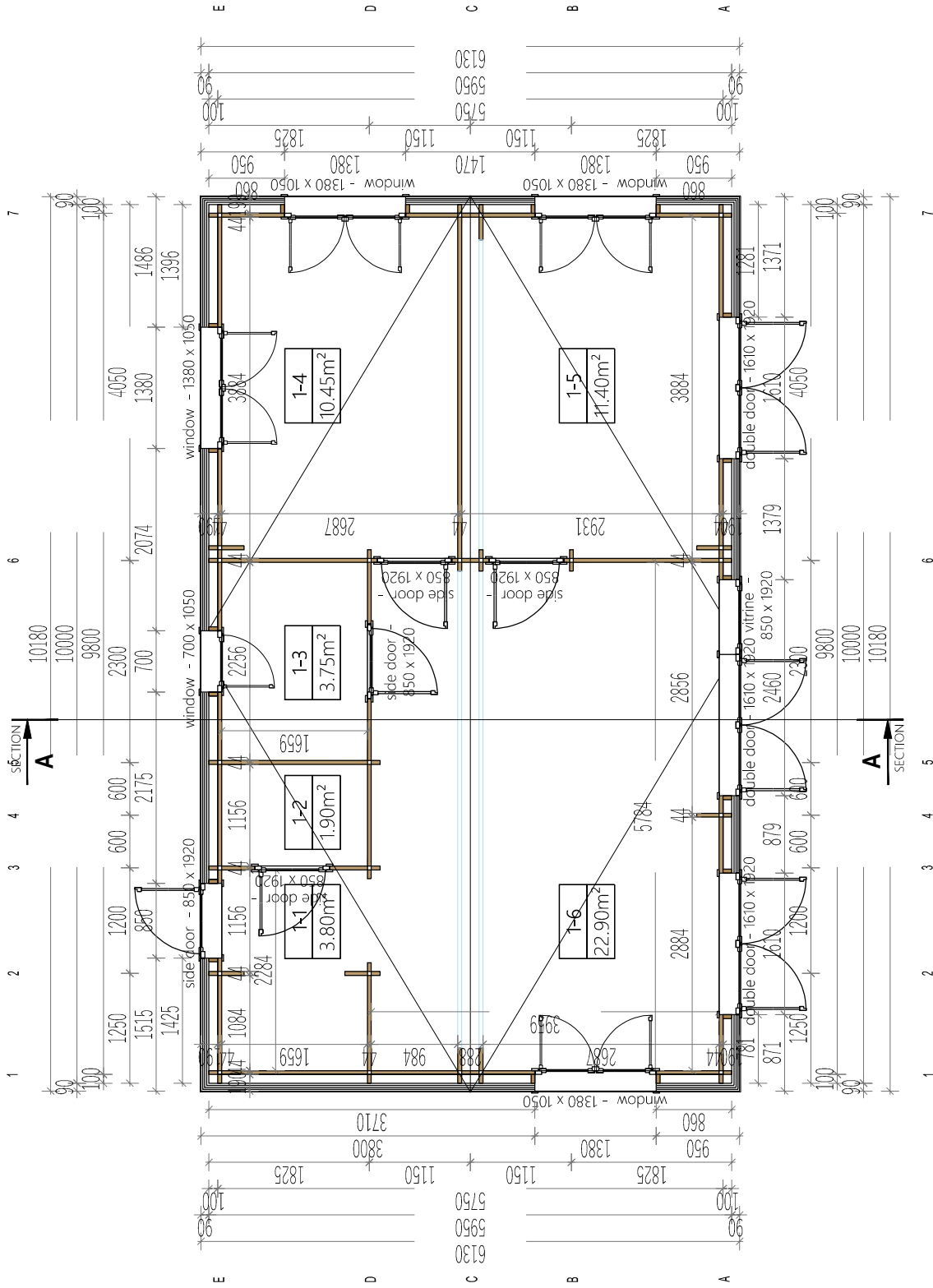
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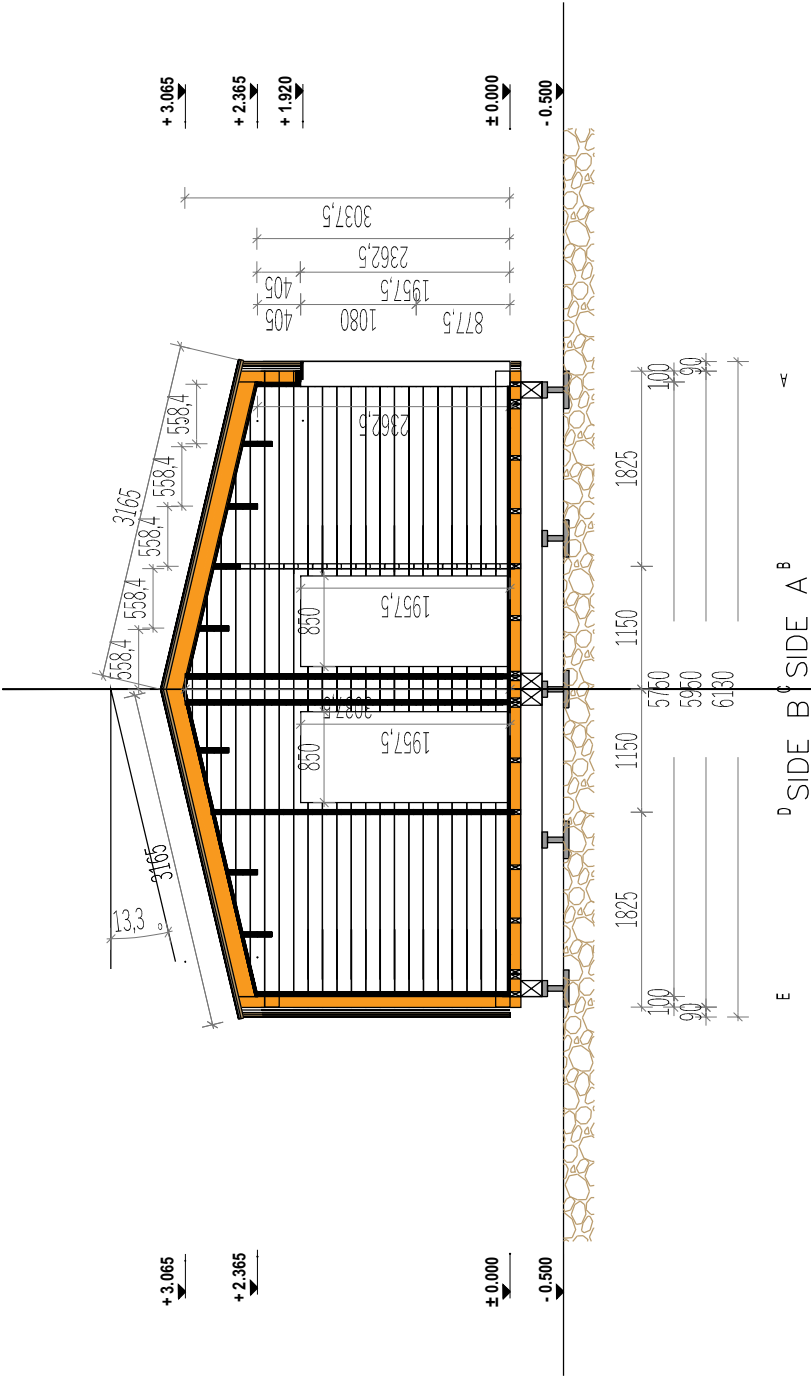
PLANNING


IMAC ARCHITECTURE : 5 HAWTHORN PLACE : BLAIRGOWRIE : PH10 6UP
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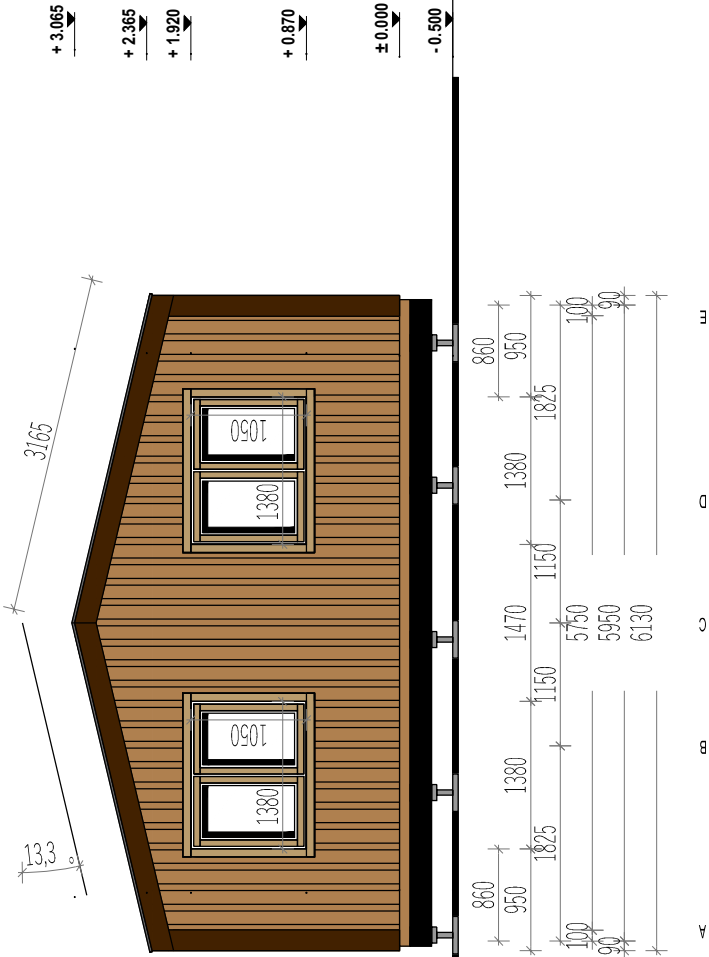
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				Project Nr.				Interior area	54.20 m ²	Wall thickness		44	D.K.	Paper size / scale	A3 / 1:50
L_71431						Built - up area		56.35 m ²	Built height		min	2365	<div>1 cm - 0.50 meter</div> <div><div><div>0</div><div>1.00 m</div><div>2.00 m</div><div>3.00 m</div><div>4.00 m</div></div><div><div>2 cm</div><div>4 cm</div><div>6 cm</div><div>8 cm</div></div></div>		
2020-10-27		Name		Date		Roof angle		13.30°			max	3065			
						Roof area		65.00 m ²	▲		700				
						Description				SECTION A-A					

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NORTH EAST
ELEVATION

	Project Nr.				44		D.K.	Paper size / scale	A3 / 1:50
	L_71431				2365				
	2020-10-27				3065				
					700				
					▲				
					min				
					max				
						Built height		1 cm - 0.50 meter	
								0 1.00 m 2.00 m 3.00 m 4.00 m	
								2 cm 4 cm 6 cm 8 cm	
								SECTION A-A	
		</							

LRB-2021-02 – 20/01712/FLL – Erection of ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 355-366)*



Mr Ryan Walker
c/o IMAC Architecture
Ian MacGregor
5 Hawthorn Place
Blairgowrie
PH10 6UP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **13th January 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **20/01712/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 18th November 2020 for Planning Permission for **Erection of ancillary accommodation unit Robins Mead Woodlands Road Blairgowrie PH10 6JX**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 As a consequence of the design, scale, position and lack of functional relationship with the main dwellinghouse, the development is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019). The location of the proposal and subsequent surrounding garden ground, along with the separate drainage connections, and extent of accommodation proposed, means that the proposed ancillary accommodation could be readily severable from the main dwellinghouse and is therefore tantamount to a new dwelling.
- 2 As the proposal has the potential to result in the loss of light to an adjacent residential property (Little Struan, Woodlands Road) to the detriment of the neighbouring properties residential amenity, the proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019, which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.
- 3 The proposal is contrary to Policy 53B - Water, Environment and Drainage (Foul Drainage) of the Perth & Kinross Local Development Plan 2 (2019) in that the proposals fail to connect to the public sewer.

Justification

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

Notes

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

Plan Reference

01

02

03

04

05

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	20/01712/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	17th January 2021	
Report Drafted Date	8th January 2021	
Report Issued by	GMP	Date 8th January 2021

PROPOSAL: Erection of ancillary accommodation unit

LOCATION: Robins Mead Woodlands Road Blairgowrie PH10 6JX

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

SITE PHOTOGRAPHS



(aerial view of site)



(existing dwellinghouse)



(existing ancillary building)



(existing outbuildings)



(proposed location of ancillary building) (existing greenhouse)

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a 3 bed detached traditional dwellinghouse set within a generous sized plot measuring in excess of 2000sqm. It is largely laid to lawn with planted borders, mature trees and shrubs. There is a detached double garage including a workshop and a number of outbuildings including a large greenhouse. Also of note within the curtilage is a 2 bed cottage, referred to on the drawings as an outbuilding. The cottage is detached and includes a kitchen, lounge, 2 bedrooms and a bathroom. It is unclear if this building is used as a holiday let or indeed ancillary accommodation. It would appear this building has its own Council Tax record.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by photographs submitted by the agent and also viewed on google streetview. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE HISTORY

04/01649/FUL Erection of a dwellinghouse and formation of a vehicular access
(Application Refused)

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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.”*

Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

OTHER POLICIES

None.

EXTERNAL CONSULTATION RESPONSES

Scottish Water – no objections.

REPRESENTATIONS

The following points were raised in the 1 representation(s) received:

1. Overshadowing/loss of light
2. Excessive height
3. Contrary to development plan policies.
4. Overlooking
5. Visual amenity

The above points are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

Ancillary buildings within the grounds of existing domestic dwellings are generally considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the specific details of the proposed development within the context of the application site, and whether it would have an adverse impact on residential and visual amenity.

In this case, the proposal is not considered to comply with the policies as noted above for the reasons stated elsewhere within the report.

Design, Layout and Visual Amenity

The proposed ancillary accommodation is to be located in the north west/south west corner of the site at an approximate distance of 20m from the main dwellinghouse. A large garage block with adjoining greenhouse are located within the intervening space. It is a completely self-sufficient standalone unit with a footprint measuring approximately 62 square metres and will reach an approximately height of 3.7m. The building has one level of accommodation comprising of an open plan kitchen/living/dining area, shower room, utility, cloakroom and 2 bedrooms. The structure will be transported to site via a lorry and positioned on the proposed base. As such the proposal is in effect a “caravan”.

The main concern with this proposal is that to be ancillary to the main dwellinghouse its scale must be subordinate to the main dwellinghouse. Amongst other things, to ensure the accommodation provided remains incidental to the main house and does not in effect lead to the creation of a new dwelling, the ancillary accommodation should either

have a physical or functional connection to the main house. In this case here, there is no physical connection.

The ancillary accommodation would be fully equipped for separate living accommodation, therefore, first and foremost consideration has to be given to the level of dependency required on the main residence for it to be considered “ancillary”.

The more facilities shared between the main house and the proposal, the more ancillary it will be. There may be a requirement to provide ancillary accommodation in the form of additional living space for either elderly relatives or to meet a variety of other personal and domestic circumstances. To be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence.

As specified in the supporting statement, this ancillary building will be lived in with a degree of permanency as the occupants require dependency on the main house by means of healthcare. The location of the unit within the site, however, appears disjointed from the main unit, given the level of dependency referred to in the submitted statement.

Although the proposed accommodation may have a dependency on the main unit in terms of healthcare, this conflicts with its location and extent of accommodation proposed. The proposal is presented as “ancillary accommodation”, rather than the creation of a separate dwelling. The proposal in effect is a 2 bed self contained dwelling which is extremely generous in scale.

Although ancillary uses are not always distinguished by scale, that is relevant. There should also be some functional relationship between the ancillary use and the primary use. That functional relationship should be something that requires dependence on the main unit as opposed to an activity that brings both units together.

The supporting statement specifies the location has been chosen to allow privacy for both the ancillary building and for the main residence. The purpose of an ancillary building, however, is that it forms an addition to the main dwellinghouse and in effect used for that family unit. As such the primary and secondary units should not require protection in terms of residential amenity as it would if it was a new dwellinghouse.

It could be argued that although the proposed accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling. This, however, would be a matter of fact and degree and down to varying factors such as its location relevant to the main dwellinghouse, access into the site, extent of garden ground and visual and physical connection to the main unit.

The location of the proposed “ancillary building” is disjointed from the main unit, set behind the existing garage and large greenhouse and there is no strong visual link and/or relationship between the two. Consequently, given the location of the proposal and subsequent surrounding garden ground, separate drainage connections, and extent of accommodation proposed the proposal could be readily severable from the main dwellinghouse. Furthermore, whilst the driveway and access provide a single point of vehicular access, its location within close proximity to the track to the west could allow for a separate access. It is considered that the proposed building is not ancillary to the dwelling as a matter of fact and degree.

As such the proposal is considered to be tantamount to a new dwellinghouse contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019). It may have been more appropriate for it to be reduced in scale and sited closer to the main dwellinghouse given the level of care required and requirement for “ancillary accommodation”. There are a number of outbuildings located within the site, of which are of a generous scale. The applicant should seek to explore re-use of these buildings if it has not already been done. It is also noted, as previously highlighted, that there is existing self-contained accommodation within the grounds of the house which could provide the level of accommodation sought but there is no information as to the existing use of this accommodation or justification why this is not be used for that purpose.

Landscape

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

Residential Amenity

The proposal structure is to be located within close proximity of a shared boundary (south west) at an approximate distance of 1.5m. Windows are proposed on this elevation and due to the close proximity of the neighbouring property will result in a window to window relationship of approximately 7.5m.

In order to protect the residential amenity of all parties concerned, a separation distance of 18m window to window should be achieved or at the very least a distance of 9m from the new window to a shared boundary. Concerns have been raised insofar as the proposal will result in overlooking to the detriment of their residential amenity and whilst a hedge forms the boundary at present, this could be removed at any time.

Concerns have also been raised insofar as the proposal will reduce the level of light into their lounge window due to the height of the structure and close proximity to the shared boundary. Due to the orientation of the property it is unlikely any significant overshadowing will occur, however, this is something which should be demonstrated through an overshadowing analysis should the decision be appealed.

In terms of residential amenity, it is considered that the proposal will have an adverse impact on the residential amenity of the neighbouring property at Little Struan, Woodlands Road.

Roads and Access

There are no roads/access concerns associated with this proposal.

Drainage and Flooding

- **Foul Drainage**

In terms of services, there is no proposal to connect foul drainage in to the public sewer system, with new foul drainage proposed through a separate septic tank, despite there being capacity in the Blairgowrie Waste Water Treatment works. The supporting

statement indicates a connection to the existing mains would be cost prohibitive and complex due to the topography of the site which would ultimately require to be pumped.

The submission indicates there is adequate justification due to neighbouring properties having private drainage systems and whilst each application is assessed on its own merits, these sites relate to standalone dwellinghouses and not ancillary structures. An ancillary building should really be connected to the existing house in terms of services as it is in effect an extension of that main building.

As such the proposal is not considered to comply with the aims of Policy 53B - Water, Environment and Drainage (Foul Drainage) of the Perth & Kinross Local Development Plan 2 (2019) which require connection to a public sewer system where one exists.

- **Flooding**

The proposal does not present any significant concerns in respect of flooding.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, 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 be contrary to the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period, however, the processing of this application may have been affected by the coronavirus (COVID-19) pandemic restrictions which may cause a delay to its output.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. As a consequence of the design, scale, position and lack of functional relationship with the main dwellinghouse, the development is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019). The location of the proposal and subsequent surrounding garden ground, along with the separate drainage connections, and extent of accommodation proposed, means that the proposed ancillary accommodation could be readily severable from the main dwellinghouse and is therefore tantamount to a new dwelling.
2. As the proposal has the potential to result in overlooking of an adjacent residential property (Little Struan, Woodlands Road) to the detriment of that neighbouring properties residential amenity, the proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019, which seeks to ensure the residential amenity of existing area is not adversely affected by new proposals.
3. The proposal is contrary to Policy 53B - Water, Environment and Drainage (Foul Drainage) of the Perth & Kinross Local Development Plan 2 (2019) in that the proposals fail to connect to the public sewer.

Justification

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

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

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LRB-2021-02 – 20/01712/FLL – Erection of ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie

REPRESENTATIONS

Monday, 07 December 2020



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

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: Robins Mead, Woodlands Road, Blairgowrie, PH10 6JX
PLANNING REF: 20/01712/FLL
OUR REF: DSCAS-0028226-9Q2
PROPOSAL: Erection of ancillary accommodation unit

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 and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Lintrathen Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Blairgowrie Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

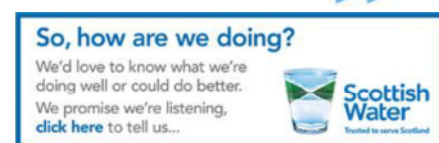


SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



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Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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
 - ▶ 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](#).

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

▶ Trade Effluent Discharge from Non Dom 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 launderettes. 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 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

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.

Yours sincerely,

Planning Application Team
Development Operations Analyst
developmentoperations@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."



Development Management - Generic Email Account

From: [REDACTED]
Sent: 17 December 2020 12:57
To: Development Management - Generic Email Account
Subject: 20/01712/FLL

Re the above planning application for ancillary accommodation on a site at Robins Mead Woodlands Road Blairgowrie PH10:6JX.

We are raising an objection as we feel the ancillary accommodation unit will come too close to our house. We have a lounge window opposite and it may block out our light.

We would be grateful if you would confirm receipt of this email.

Mr and Mrs John Carrick



Comments for Planning Application 20/01712/FLL

Application Summary

Application Number: 20/01712/FLL

Address: Robins Mead Woodlands Road Blairgowrie PH10 6JX

Proposal: Erection of ancillary accommodation unit

Case Officer: Gillian Peebles

Customer Details

Name: Mr Alistair McLaren

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Loss Of Sunlight or Daylight
- Over Looking

Comment: We are submitting this objection using my son in laws e mail as we do not have our own e mail facility.

We have previously submitted one objection to this planning application based on the fact that we feel that the building would be too close to our house and we have a lounge window and may block out our light.

We would like to further object on the grounds that the lounge window on the gable end of the dwelling proposed in the planning application would look directly into our property and house and am of the understanding that in applications like this opaque glass can be proposed, but we would request that this part of the plan is revisited and removed.

If this proposal is granted we believe we would not only lose light but due to the height of the dwelling we would also lose a view of the sky from our lounge window on the gable end facing the proposed dwelling.

I am also concerned regarding the telegraph pole which appears to be very close to the proposed house and may be undermined by the digging of the foundations - This pole has a line/wire directly attached to the eaves of our property.

We believe that if this application is granted it takes away our choice of maybe some time in the near future of taking away the hedge to the side of our property as we would be looking into a house wall as opposed to a garden.

We submit this objection for your further information and consideration.

Many thanks

John and Jacqueline Carrick

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]