

LRB-2020-02

Review of Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Officers, Newton Terrace, Blairgowrie

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Review of Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Officers, Newton Terrace, 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)	Agent (if any)
Name <input type="text" value="MR RICHARD HALHEAD"/>	Name <input type="text" value="MARK WILLIAMSON"/>
Address <input type="text" value="HORSA
NEWTON TERRACE
BLAIRGOWRIE"/>	Address <input type="text" value="34 HERMITAGE DRIVE
PERTH"/>
Postcode <input type="text" value="PH10 6HD"/>	Postcode <input type="text" value="PH1 2SY"/>
Contact Telephone 1 <input type="text" value="REDACTED"/>	Contact Telephone 1 <input type="text" value="REDACTED"/>
Contact Telephone 2 <input type="text" value="REDACTED"/>	Contact Telephone 2 <input type="text" value="REDACTED"/>
Fax No <input type="text" value="REDACTED"/>	Fax No <input type="text" value="REDACTED"/>
E-mail* <input type="text" value="REDACTED"/>	E-mail* <input type="text" value="REDACTED"/>
Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>	
* Do you agree to correspondence regarding your review being sent by e-mail? <div style="float: right;"> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> </div>	

Planning authority	<input type="text" value="PERTH & KINROSS COUNCIL"/>
Planning authority's application reference number	<input type="text" value="19/01510/FL"/>
Site address	<input type="text" value="HORSA, NEWTON TERRACE, BLAIRGOWRIE PH10 6HD"/>
Description of proposed development	<input type="text" value="ERECTION OF DWELLINGHOUSE, GARAGE & RETAINING WALL
(IN PART RETROSPECT)"/>
Date of application	<input type="text" value="10 SEPT 2019"/>
Date of decision (if any)	<input type="text" value="5 NOV 2019"/>

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) ☒
2. Application for planning permission in principle ☐
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) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

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 ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☒

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:

Site inspection

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

1. Can the site be viewed entirely from public land? ☐ Yes ☒ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

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.

SEE STATEMENT ATTACHED

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.

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.

DOC 1. DECISION LETTER 19/01510/FL 5/11/2019

DOC 2. SITE LOCATION PLAN

DOC 3. SITE PLAN

DOC 4. EXTRACT: PKC PLACEMAKING GUIDE (CONSULTATION DRAFT 2019)

DOC 5. EXTRACT: CITY OF EDINBURGH COUNCIL GUIDANCE FOR HOUSEHOLDERS (2017)

PHOTO 1. PHOTOGRAPH LOOKING NE. FROM SOUTH (TAKEN DEC 2019)

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



Date

30/01/2020

Statement

Notice of Review

Erection of a dwellinghouse, garage and retaining wall (in part retrospect) at Former Council Offices Newton Terrace Blairgowrie PH10 6HD.

Application Ref: 19/01510/FLL

Introduction

This Notice of Review is submitted for review of conditions, 3, 4, 5 and 7 attached to planning consent 19/01510/FLL for the erection of a dwellinghouse, garage and retaining wall (in part retrospect) at Former Council Offices Newton Terrace Blairgowrie which was approved on the 5 November 2019. (Doc 1)

Circular 4/1998 The Use of Conditions in Planning Permissions states that:-

While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- *necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects.*

First of all it should be noted that the Review dwellinghouse and the neighbouring house at 'Kianarry' are relatively open in aspect and because of the sloping nature of the site, privacy on the streetward side of the dwellings is already compromised, as public views are available from street level to the garden areas of the dwellings below.

The conditions which are the subject of the review are outlined below:-

- 3) Within 3 months of the date of this decision notice the lounge window on the south west elevation of the house shall be removed in its entirety and the opening blocked up and finished in white wet dash render to match the remainder of the house all to the satisfaction of the Council as Planning Authority.

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

- 4) Within 3 months of the date of this decision notice the glazed privacy screen, which shall be finished in opaque glazing and be at a minimum height of 1.8m, shall be installed on the south west side of the balcony to the satisfaction of the Council as Planning Authority. The glazed privacy screen shall be retained in perpetuity.

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

- 5) Within 3 months of the date of this decision notice a native species hedge shall be planted along the top of the retaining wall structure on the south west boundary of the site 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.

- 7) The proposal for a white wet dash render finish on the retaining structure on the south west boundary is not approved. Within 3 months of the date of this decision notice a revised set of elevations of the retaining structure on the south west boundary, utilising alternative finishing materials including natural stone and timber cladding to match the finishes on the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. The finish, as approved in writing, shall be implemented within 3 months of the written approval of the Planning Authority.

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

Background and Description of the Review Site

The Review site was formerly Council Offices and a nursery on Newton Terrace within the Conservation Area of Blairgowrie. The site is situated on the east side of Newton Terrace and on the corner with Hill Street. The Review site is 0.125 ha in area, of ample proportions and similar in size to neighbouring plots. (Doc 2) The site is bounded on its western and northern sides by Newton Terrace, to the south by the new dwellinghouse, which was also built on part of the former council site and to the east by further residential development in the process of construction. The Review site consists of ground which slopes downhill to the east to James Street and has a relatively open aspect to the east and south east as a result of the sloping site profile. This is characteristic of other residential properties within the vicinity of the review site which have been built on similarly sloping ground. (Doc 3)

In the assessment of the proposal the Planning Officer was concerned about the impact of the Review proposal on the residential amenity to the neighbouring plot to the south at 'Kiannary' and attached conditions to remove a lounge window on the south west elevation of the Review proposal and have it "blocked up" (condition 3) and a condition to have an opaque screen erected on the south west side of the balcony at 1.8m in height (condition 4). It was also considered necessary to attach a condition to have a beech hedge planted along the top of the retaining wall to prevent overlooking from the Review site's parking area into the neighbouring garden (Condition 5).

In the Delegated Report it was stated that the proposed final finish to the retaining wall was unacceptable,

Given the scale of the retaining structure the proposal to finish it in white wet dash render will result in it having an oppressive impact on the neighbour. Furthermore each new dwellinghouse, whilst utilising areas of white render are broken up through the use of alternative finishes including natural stone and timber cladding. As such the use of alternative finishing materials on the retaining structure would help to break up its visual impact. A condition is therefore recommended to ensure the retaining wall is finished in alternative materials which will help to break up its scale.

(Condition 7)

Grounds of the Review for the conditions attached

The appellant's grounds of the review will consider each of the relevant conditions in turn and provide a reasoned justification for having these conditions removed from the planning consent.

- 3) *Within 3 months of the date of this decision notice the lounge window on the south west elevation of the house shall be removed in its entirety and the opening blocked up and finished in white wet dash render to match the remainder of the house all to the satisfaction of the Council as Planning Authority.*

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

The lounge window at first floor level will not have any adverse impact on the residential amenity of the neighbouring house. This window is 9m from the neighbouring boundary at 'Kiannary', as indicated on the approved plan 19/01510/2 and as such, it is in accordance with the accepted rule of thumb distance for privacy purposes which considers upper floor windows to be acceptable provided they are 9m from any neighbouring boundary. (see Docs 4 & 5 which reference the privacy rule of thumb) The lounge window is on the gable of the Review dwellinghouse and faces the gable of 'Kiannary'. The lounge window does not directly oppose any clear glass windows on the gable of the neighbouring dwellinghouse, which is situated closer to the mutual boundary than the Review dwellinghouse.

As stated previously the garden area on the west side of the neighbouring dwellinghouse is approximately 4m from Newton Terrace and is overlooked from this public road. The privacy to this part of the dwellinghouse is therefore already compromised, given it's relationship with the public road.

In this respect it is considered that condition 3) is not necessary because the lounge window is in accordance with privacy distance guidelines in relation to the neighbouring dwellinghouse and it's wider context and therefore will not have any adverse impact on the amenity of the neighbouring dwellinghouse. It is therefore not reasonable or fair to impose this condition given that the window does not breach accepted privacy guidance.

- 4) *Within 3 months of the date of this decision notice the glazed privacy screen, which shall be finished in opaque glazing and be at a minimum height of 1.8m, shall be installed on the south west side of the balcony to the satisfaction of the Council as Planning Authority. The glazed privacy screen shall be retained in perpetuity.*

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

The south west side of the balcony is 9m or more from the neighbouring boundary to the south and as such is within the accepted privacy limits and therefore does not require to be screened for privacy purposes, as is the case with regard to the neighbouring first floor balcony at 'Kiannary'.

This condition to install a 1.8m screen to the balcony is not considered to be necessary as the balcony position is in accordance with privacy distance guidelines being more than 9m off the boundary and there will be no adverse impact on neighbouring residential amenity as a result. It is therefore not reasonable or fair to impose this condition given that the balcony does not breach accepted guidance.

- 5) *Within 3 months of the date of this decision notice a native species hedge shall be planted along the top of the retaining wall structure on the south west boundary of the site 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.

To plant a hedge along the top of the retaining wall is considered to seriously affect the integrity of this wall, where over time the root system of the hedge will weaken the wall and create significant structural and drainage problems to the detriment of both the Review site and the neighbouring plot.

As stated previously the privacy of the neighbouring garden ground to the west is already compromised because of it's relationship with the public road and a screen hedge is considered to be unnecessary. However, the applicant is willing to accept a revised condition which does not impact on the integrity of the retaining wall structure.

- 7) *The proposal for a white wet dash render finish on the retaining structure on the south west boundary is not approved. Within 3 months of the date of this decision notice a revised set of elevations of the retaining structure on the south west boundary, utilising alternative finishing materials including natural stone and timber*

cladding to match the finishes on the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. The finish, as approved in writing, shall be implemented within 3 months of the written approval of the Planning Authority.

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

It is considered that the proposed white wet dash render finish to the retaining wall is an appropriate finish for the wall and will match the external finishes of the retaining walls and external wall finishes on both dwellinghouses. In any case the visual impact of the retaining wall here should be mitigated by the 1.6m beech hedge which was required under condition 2 of the planning consent for 'Kiannary'. The appellant has been refused access onto neighbouring land to render the wall.

The rear of the neighbouring dwellinghouse is characterised by a white wet dash render finish as indicated in Photo 1 and the use of this traditional finish is considered to be appropriate.

It is considered therefore that this condition is not necessary and the retention of a traditional white wet dash render will not have any significantly detrimental impact on the visual amenity of the immediate or surrounding area, as a hedge planted alongside the wall will help to mitigate any perceived visual impact.

Conclusions

The conditions 3, 4, and 7 which were attached to the Review consent are considered to be unnecessary as the window, balcony and the retaining wall finish do not breach any accepted planning policy guidance and will not have any adverse impact on neighbouring amenity or the visual amenity or character of the area. As a consequence of this the conditions do not satisfy the required test criteria for the imposition of conditions set out in Circular 4/1998 and are not necessary and therefore not reasonable or fair to attach to the Review consent.

Accordingly, it is respectfully requested that they are removed from the Review consent. As stated above the applicant is willing to accept a revised condition 5) which does not affect the integrity of the retaining wall.

Mr Richard Hallhead
c/o Norman MacLeod
18 Walnut Grove
Blairgowrie
PH10 6TH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 5th November 2019

Town and Country Planning (Scotland) Acts.

Application Number **19/01510/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 10th September 2019 for planning permission for **Erection of a dwellinghouse, garage and retaining wall (in part retrospect)** at Former Council Offices Newton Terrace Blairgowrie PH10 6HD subject to the undernoted conditions.

Head of Planning and Development

Conditions referred to above

- 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 Within 3 months of the date of this decision notice the site levels at the top of the retaining wall on the south west boundary shall be amended and a French drain installed along the length of the south west boundary of the site to ensure that no surface water is discharged into the adjacent site to the south west. The French drain shall be connected to an appropriately designed soakaway system all to the satisfaction of the Council as Planning Authority.

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

- 3 Within 3 months of the date of this decision notice the lounge window on the south west elevation of the house shall be removed in its entirety and the opening blocked up and finished in white wet dash render to match the remainder of the house all to the satisfaction of the Council as Planning Authority.

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

- 4 Within 3 months of the date of this decision notice the glazed privacy screen, which shall be finished in opaque glazing and be at a minimum height of 1.8m, shall be installed on the south west side of the balcony to the satisfaction of the Council as Planning Authority. The glazed privacy screen shall be retained in perpetuity.

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

- 5 Within 3 months of the date of this decision notice a native species hedge shall be planted along the top of the retaining wall structure on the south west boundary of the site 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.

- 6 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.

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

- 7 The proposal for a white wet dash render finish on the retaining structure on the south west boundary is not approved. Within 3 months of the date of this decision notice a revised set of elevations of the retaining structure on the south west boundary, utilising alternative finishing materials including natural stone and timber cladding to match the finishes on the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. The finish, as approved in writing, shall be implemented within 3 months of the written approval of the Planning Authority.

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

Justification

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

Informatives

- 1 The applicant is reminded of the importance of ensuring compliance with the conditions on this planning permission. Failure to adhere to the timescales for works outlined within the conditions of this planning permission will result in formal enforcement action being progressed.
- 2 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.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

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 and Document Reference

19/01510/1	19/01510/7	19/01510/11
19/01510/2	19/01510/8	19/01510/12
19/01510/3	19/01510/9	19/01510/13
19/01510/6	19/01510/10	19/01510/14



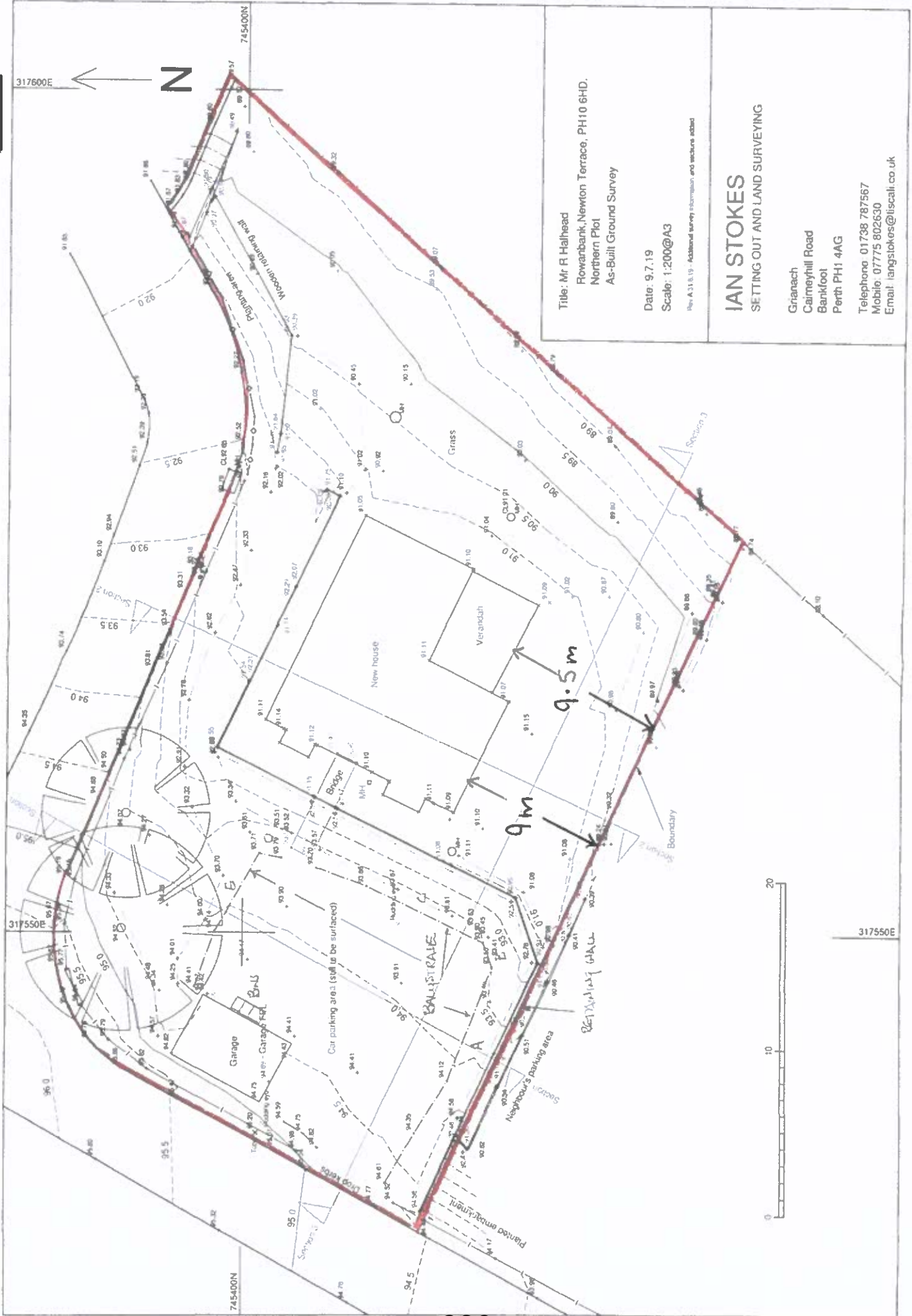
Location Plan 1:1250

 REVIEW SITE



Norman A MacLeod	
www.namsurveying.co.uk	
Tel: 07884177328	
e-mail: namacleod@aol.com	
Project: Erection of a dwelling house and garage at Newton Terrace, Blairgowrie PH10 6HD	
Scale: 1: 1250	Drawing No: 1
Drawing ref: Location Plan	
Date: July 2015	

Doc 3.



Semi-Private Spaces

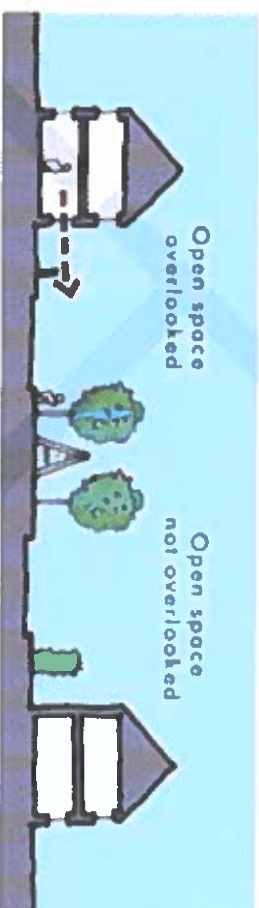
Semi-private spaces, such as small front gardens, closes and courtyards, have traditionally been defined through the buildings and residents that live within them. These spaces were often to mark the transition between public external space and private living areas. A clear distinction between public and semi-private should be made in any new development, with boundary treatments that provide an attractive and long-lasting edge that provides a sense of enclosure.

Private Garden Spaces

All new houses should benefit from private garden space, for drying clothes, accommodating pets, children's play, quiet enjoyment, etc. Front gardens do not constitute private garden space. Private spaces require to be sized appropriate to the property they serve, proportionate to the size and layout of the building. Appropriate screening with hedges, walls or fencing may be necessary to ensure that the garden space is not overlooked from surrounding houses or gardens. Private spaces must be designed so that residents have a reasonable amount of sun/daylight. They should not be closely bounded by high walls or buildings.

As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9 metres.

Windows and door openings face onto open space



Privacy and outlook

People value privacy within their homes but they also value outlook - the ability to look outside, whether to gardens, streets or beyond. To achieve both, windows either have to be spaced sufficiently far apart so that it is difficult to see into a neighbouring property or windows have to be angled away from one another.

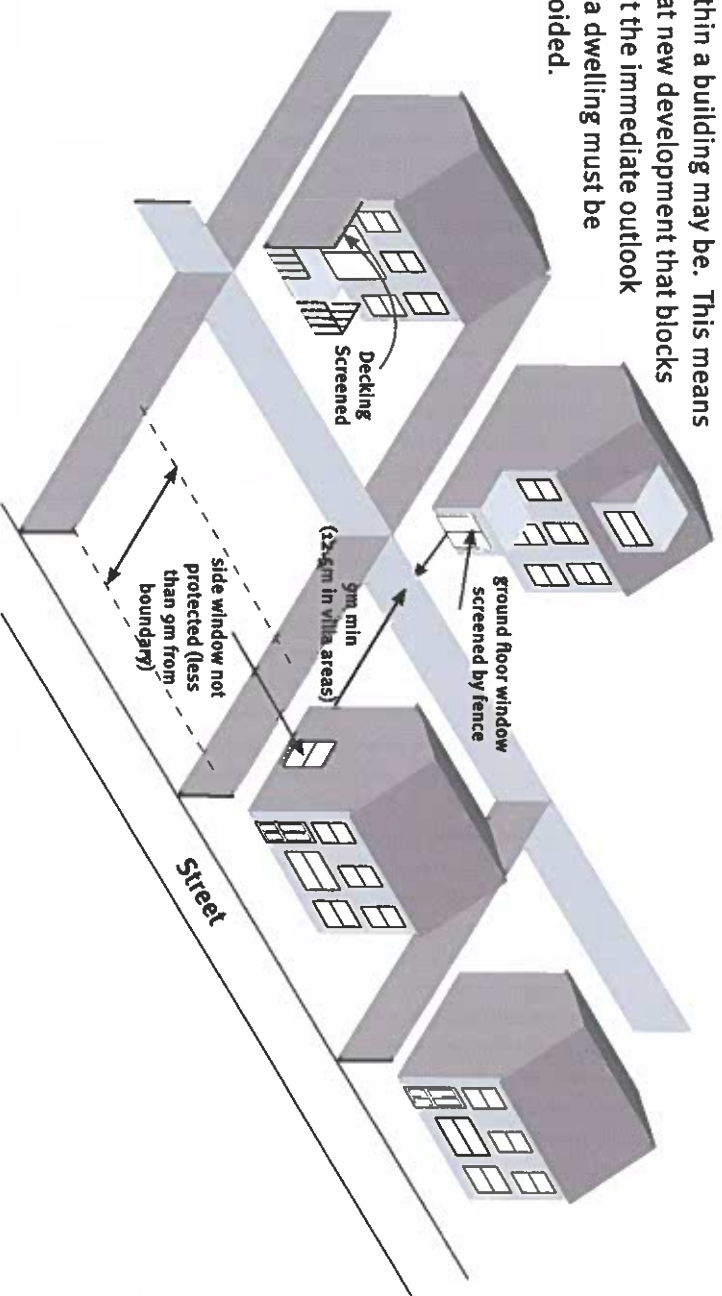
18m is the minimum recommended distance between windows, usually equally spread so that each property's windows are 9 metres from the common boundary.

A frequent objection to a development is loss of a particular view from the neighbour's house. Though private views will not be protected, immediate outlook of the foreground of what can be seen from within a building may be. This means that new development that blocks out the immediate outlook of a dwelling must be avoided.

Side Windows

Windows will only be protected for privacy and light if they themselves accord with policies in terms of distance to the boundary. Windows on side walls or gables - as often found on bungalows, for instance - will not normally be protected as they are not set back sufficiently from the boundary to be "good neighbours" themselves, taking only their fair share of light.

Ground floor windows can sometimes be closer than 9 metres to a boundary if they can be screened in some way, e.g. by a fence or hedge.



Decking, Roof Terraces and Balconies

Balconies, roof terraces and decking which are close to boundaries and overlook neighbouring properties can be a major source of noise and privacy intrusion.

Generally, decking should be at, or close to, ground level (taking account of any level changes in the garden ground), of simple design (including barriers and steps), and should not detract from the appearance of the house.

Opportunities for decking may be limited on listed buildings, as it is rarely part of the original character.

Permission for roof terraces and balconies will not be granted where there is significant overlooking into neighbouring property due to positioning and height or if the terracing results in loss of privacy to neighbouring properties.

PHOTO 1
(Looking N.E.)

Review Dwelling



Neighbouring
Dwelling
'Kiannary'

RETAINING
WALL.

LRB-2020-02

Review of Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Officers, Newton Terrace, Blairgowrie

PLANNING DECISION NOTICE *(included in applicant's submission, pages 222-223)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 225-226)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/01510/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	09.11.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse, garage and retaining wall (in part retrospect)

LOCATION: Former Council Offices Newton Terrace Blairgowrie PH10 6HD

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.

DATE OF SITE VISIT: 19 September 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought (in part retrospect) for the erection of a dwellinghouse at a site previously occupied by Council Offices and a nursery on Newton Terrace within the Conservation Area of Blairgowrie. This proposal relates to the northern part of the former Council site with a separate application having been approved for the southern part of the site (15/01445/FLL). Conservation Area Consent was granted for the demolition of the unattractive former Council buildings in 2013 (13/02381/CON) and the site was then subsequently sold by Perth and Kinross Council. A previous application on this site was refused (15/01452/FLL) due to the detrimental impact on the character and visual amenity of the conservation area, the detrimental impact on residential amenity and the lack of information relating to the potential impact on trees. Following this a further application was subsequently approved (16/01422/FLL). It was, however, noted that the development had not proceeded on site in accordance with the approval plans as levels had been changed and alterations to the appearance of the house had occurred. A retaining wall had also been erected along the south west boundary of the site. These were considered to be material changes and therefore a further application was required.

The surrounding area is characterised by detached dwellinghouses located in large plots. The application site is bound on its western and northern sides by Newton Terrace, to the south by the new dwellinghouse which forms part of the former council site and to the east by further residential development. The land on the site drops away from the north west corner of the site. Access to the site is provided on the western side with a detached garage having been erected. The detached dwellinghouse is located centrally on the site. The levels on the site have resulted in the construction of a retaining wall on the south west boundary of the site next to the dwelling which was approved in 2015. This structure was an element of the development which did not gain planning permission originally. Pedestrian access to the house is over an access bridge due to the change in levels. The house is two storeys and finished in harling and natural stone with a pitched slate roof. It should be noted that the western side of the site at Newton Terrace forms the boundary of the Conservation Area.

SITE HISTORY

13/02380/FLL Demolition of 16 January 2014

13/02381/CON Demolition of buildings 23 July 2014 Application Approved

15/01445/FLL Erection of a dwellinghouse and garage with ancillary accommodation
28 October 2015 Application Approved

15/01452/FLL Erection of a dwellinghouse and garage 22 October 2015 Application
Refused

16/01422/FLL Erection of a dwellinghouse and garage 7 October 2016 Application
Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: None

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 2014.

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 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy RD1 - Residential Areas

In identified areas, 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 of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER POLICIES

None

CONSULTATION RESPONSES

INTERNAL

Environmental Health (Noise Odour) – no objection

Transport Planning – no objection

Development Negotiations Officer – no contribution required

EXTERNAL

Scottish Water – no objection

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Impact on residential amenity (overlooking and loss of daylight)
- Impact on visual amenity
- Impact on character of conservation area
- Surface water drainage
- Site levels

These matters are addressed within the appraisal section of the report below.

ADDITIONAL INFORMATION RECEIVED:

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

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 2014.

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

The principle of erecting a dwellinghouse on this site has been established through the previous consent under policy RD1 of the LPD. The principle of development remains acceptable. The key issues relating to this follow up application are whether the changes in levels, formation of the retaining structure and design changes to the house are in accordance with the LDP. Policy PM1A and B are relevant and these seek to ensure that proposals do not detract from the amenity of an area and that the design of a proposal should compliment its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

As the application site is located within the Blairgowrie Conservation Area, Policy HE3A applies. This states that development must preserve or enhance the character and appearance of the Conservation Area. The design, materials, scale and siting of new development must not detrimentally impact upon the special qualities of the Conservation Area. Other relevant policies include EP3B which relates to surface water drainage.

Visual Impact/Design/Scale/Impact on the Character of Conservation Area

The dwellinghouse remains relatively similar in design and appearance to the previous approval with some minor changes made to materials. Overall the design and scale of the dwelling and garage remain in accordance with the LDP.

The new retaining structure is located on the south boundary of the site. The structure extends to 3m in height at its highest point but tapers down in height to the east towards the house. There is, however, an approximate difference in level between the parking area of the house to the south and the house to the north of 4m. At the time of the officer site visit the retaining wall remains as a concrete block work structure but it is proposed to be a white wet dash render. Given the scale of the retaining structure the proposal to finish it in white wet dash render will result in it having an oppressive impact on the neighbour. Furthermore each new dwellinghouse, whilst utilising areas of white render are broken up through the use of alternative finishes including natural stone and timber cladding. As such the use of alternative finishing materials on the retaining structure would help to break up its visual impact. A condition is therefore recommended to ensure the retaining wall is finished in alternative materials which will help to break up its scale.

The top of the retaining structure sits below the level of the public road and therefore, whilst it is a large structure in its own right, its visual impact from the public road is relatively limited given the change in levels between the public road and the wall. The condition relating to finishing materials will ensure the mass and scale of the wall is broken up. On that basis its impact on the character and appearance of the Conservation Area is considered to be limited and therefore acceptable and in accordance with Policy HE3A of the LDP.

Residential Amenity

Policy RD1 seeks to ensure that new development does not detrimentally impact on the residential amenity of the neighbouring properties. This can include the potential for overlooking into neighbouring gardens and windows together with overshadowing and loss of sunlight associated with the new building.

Overshadowing

The retaining structure referred to above is located to the immediate north west of the house to the south. It is located close to the ground floor bedroom window of the property to the south and therefore has potential to impact on the amenity of the property to the south due to overshadowing and loss of daylight. It should be noted that the windows on this north elevation of the dwelling to the south were approved solely on the basis that a beech hedge at a height of 1.6m would be planted along the boundary to prevent overlooking to the north. It was noted from the site visit that this hedge has not been planted on the boundary and there is therefore a degree of mutual overlooking and impact on amenity from both sites.

In order to assess overshadowing the Council employs a set of long standing guidance rules which have been utilised on decisions elsewhere in Perth and Kinross and are therefore considered an established method of assessing impact. The proposed development should maintain and allow for a reasonable level of natural daylight to internal living space of the neighbouring residential property. These are outlined in the Council's Placemaking Guidance. The climate of Scotland relies heavily on diffuse sunlight as the principle source of daylight. The availability of natural light can be anticipated by the resultant block form of a proposed building/structure, topography, aspect and relationship to surroundings. It is accepted that the position of the retaining structure may limit the availability of light to the north facing window of the ground floor bedroom of the house to the south. However there is a second window in this bedroom which faces west and will therefore likely benefit from sunlight more so than the north facing window where sunlight will be relatively limited due to its orientation. Given that the window is north facing and that there is second window within the bedroom, it is considered, on balance, that the position of the retaining structure, relative to this window is acceptable and in accordance with the LDP where it relates to residential amenity. Furthermore, the initial expectation when approving this window in such close proximity to the boundary was that it was to be screened by a 1.6m hedge in any case and therefore it was never considered to act as the principle source of daylight for this bedroom when the original application for the house to the south was assessed.

On the basis of the assessment of the above, the retaining structure is not considered to impact on the amenity of the neighbouring dwelling in terms of overshadowing to a level which would merit refusal of this application.

Overlooking

Given the difference in levels there is scope for overlooking to occur between the parking area down into the neighbouring property. In order to address this a condition is recommended to ensure a hedge is planted along the top of the retaining

wall to prevent direct overlooking to the neighbours property. A condition is recommended to ensure this is undertaken within 3 months.

The previous application included a condition to remove the lounge window on the south facing elevation of the dwelling and the provision of an opaque screen on the balcony area of the house to protect the amenity of the neighbour to the south and to avoid any direct overlooking given how close the houses are. The initial plans submitted with this application included the lounge window and it was not clear whether an opaque barrier was proposed on the balcony. Following discussion with the applicant's agent a set of revised drawings have now been submitted which removes the lounge window on the south elevation and proposes an opaque barrier to the balcony at a height of 1.8m. The application was subsequently re-advertised. For the avoidance of any doubt conditions are recommended to ensure the window is removed and the opaque barrier installed within 3 months of the date of this decision notice and retained. Subject to these conditions the proposal is considered to be acceptable in terms of impact on residential amenity.

Drainage

It is noted in the letter of representation from a neighbour that the position of the retaining structure and lack of surface water drainage provision results in surface water flowing from the existing driveway area of the applicant's site, over the retaining wall and into the neighbour's garden to the detriment of their amenity. This can be rectified relatively simply through the installation of appropriate surface water drainage along the south west boundary of the application site to ensure any build up of surface water is collected by altering the levels at the top of the wall and to install a French drain. This should then be fed to an appropriately designed soakaway. A condition is therefore recommended to ensure this surface water drainage system is installed within 3 months of the date of this decision to ensure the existing surface water drainage issue is appropriately dealt with in the interests of the amenity of the neighbour. This will ensure the development accords with Policy EP3B of the LDP which relates to surface water drainage.

Access

The access into the site and parking and turning area is similar to the previous permission and remain in accordance with policy TA1B of the LDP. Transport Planning have offered no objection to the application.

Developer Contributions

There are no developer contributions required for this dwelling as there is an extant permission in place.

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 comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. 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 approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

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 Within 3 months of the date of this decision notice the site levels at the top of the retaining wall on the south west boundary shall be amended and a French drain installed along the length of the south west boundary of the site to ensure that no surface water is discharged into the adjacent site to the south west. The French drain shall be connected to an appropriately designed soakaway system all to the satisfaction of the Council as Planning Authority.

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

3 Within 3 months of the date of this decision notice the lounge window on the south west elevation of the house shall be removed in its entirety and the opening blocked up and finished in white wet dash render to match the remainder of the house all to the satisfaction of the Council as Planning Authority.

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

4 Within 3 months of the date of this decision notice the glazed privacy screen, which shall be finished in opaque glazing and be at a minimum height of 1.8m, shall be installed on the south west side of the balcony to the satisfaction of the Council as Planning Authority. The glazed privacy screen shall be retained in perpetuity.

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

5 Within 3 months of the date of this decision notice a native species hedge shall be planted along the top of the retaining wall structure on the south west boundary of the site 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.

6 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.

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

7 The proposal for a white wet dash render finish on the retaining structure on the south west boundary is not approved. Within 3 months of the date of this decision notice a revised set of elevations of the retaining structure on the south west boundary, utilising alternative finishing materials including natural stone and timber cladding to match the finishes on the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. The finish, as approved in writing, shall be implemented within 3 months of the written approval of the Planning Authority.

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

Justification

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

Informatives

- 1 The applicant is reminded of the importance of ensuring compliance with the conditions on this planning permission. Failure to adhere to the timescales for works outlined within the conditions of this planning permission will result in formal enforcement action being progressed.
- 2 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.

- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/01510/1

19/01510/2

19/01510/3

19/01510/6

19/01510/7

19/01510/8

19/01510/9

19/01510/10

19/01510/11

19/01510/12

19/01510/13

19/01510/14

Date of Report

5 November 2019

e-mail: namacleod@aol.com

Date: July 2015



245

Norman A MacLeod

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Tel: 07884177328

e-mail: namacleod@aol.com

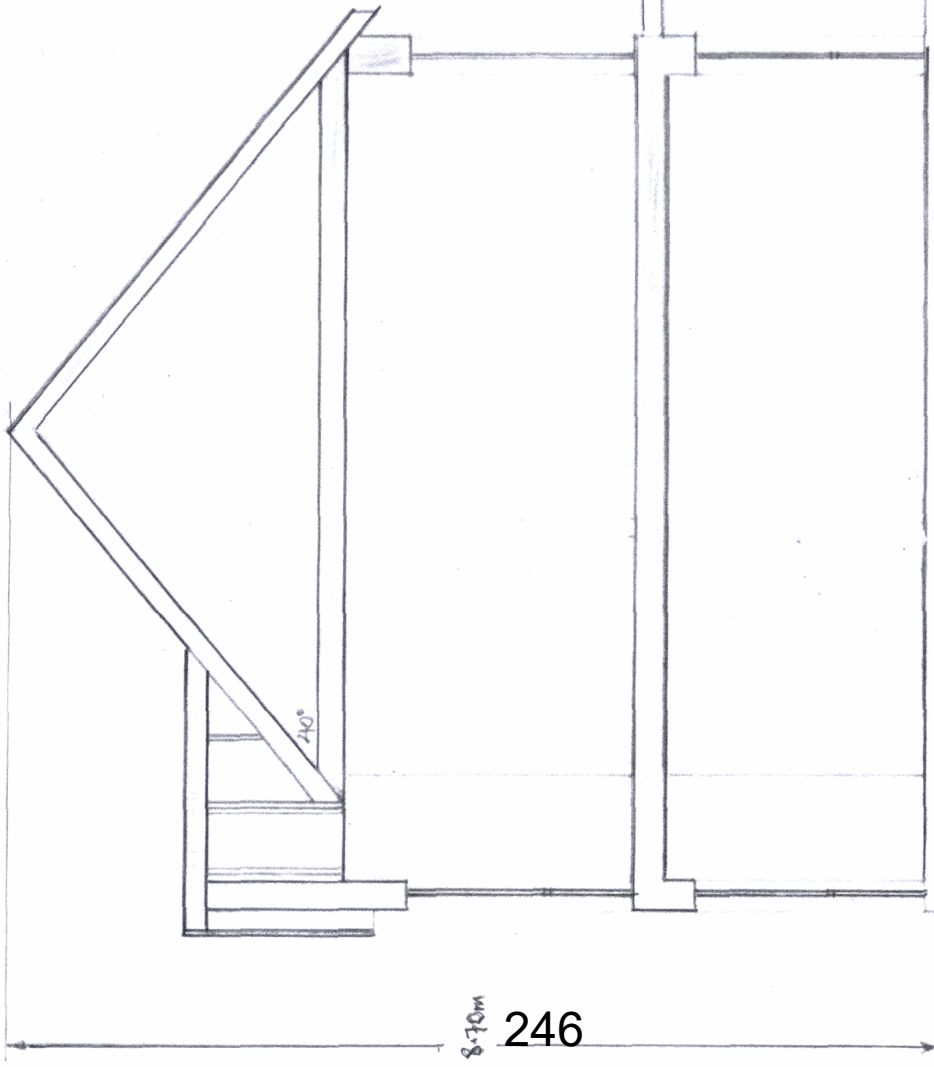
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at Newton Terrace, Blairgowrie PH10 6HD

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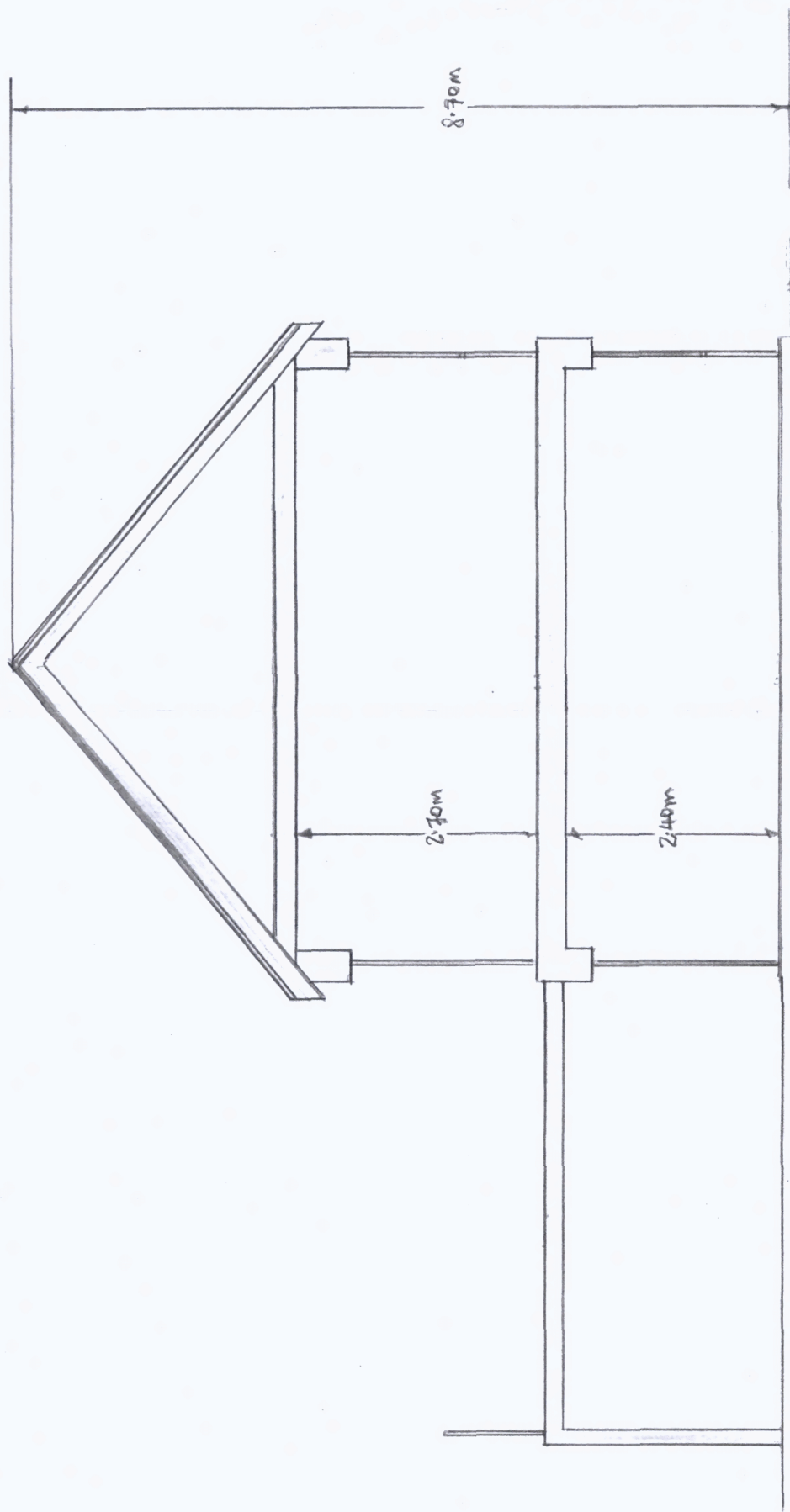
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Drawing ref: Proposed Vertical Cross-Section A-A

Date: July 2015

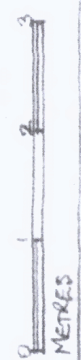


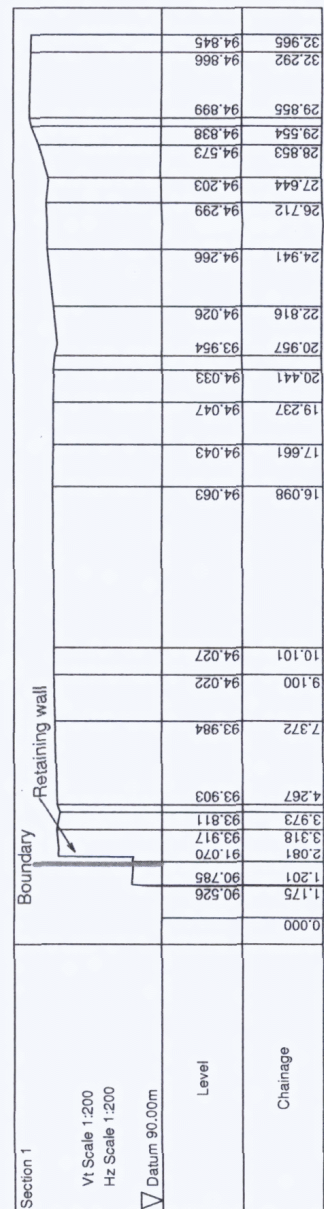
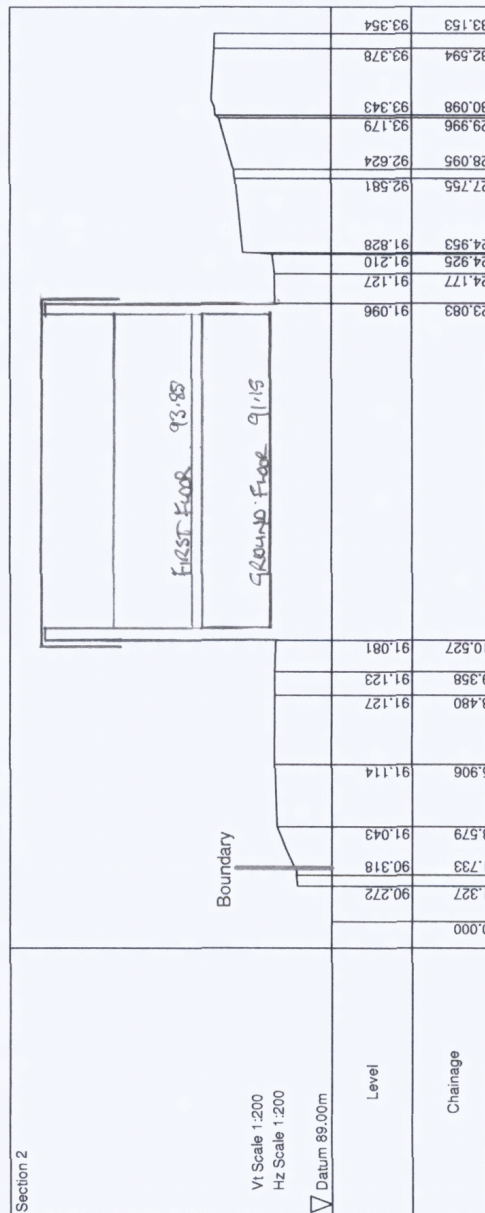
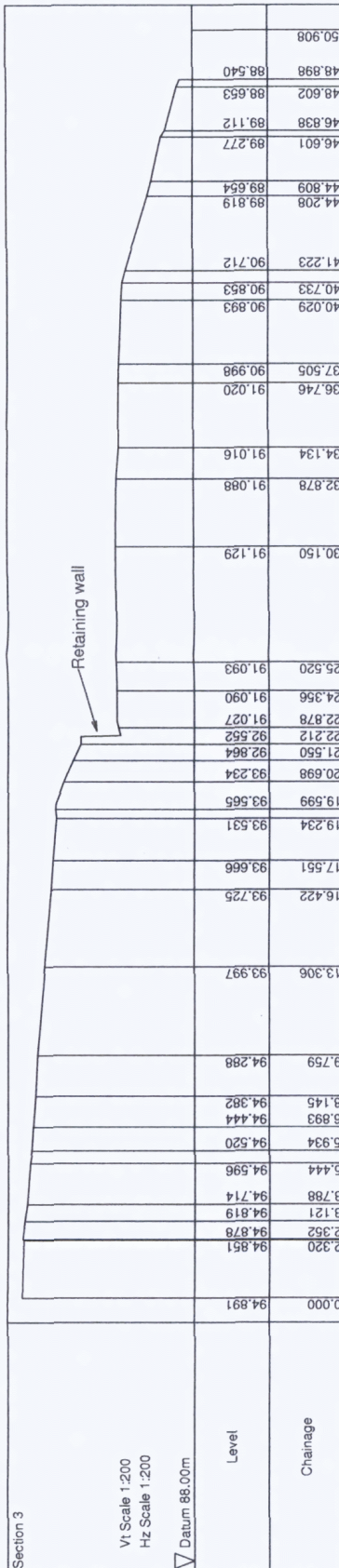
Proposed Vertical Cross-Section A-A 1:50



Proposed Vertical Cross-Section B-B 1:50

Norman A MacLeod www.namsurveying.co.uk Tel: 07884177328 e-mail: namacleod@aol.com	
Project: Erection of a dwelling house and garage at Newton Terrace, Blairgowrie PH10 6HD	
Scale: 1: 50	Drawing No: 8
Drawing ref: Proposed Vertical Cross-Section B-B Date: July 2015	



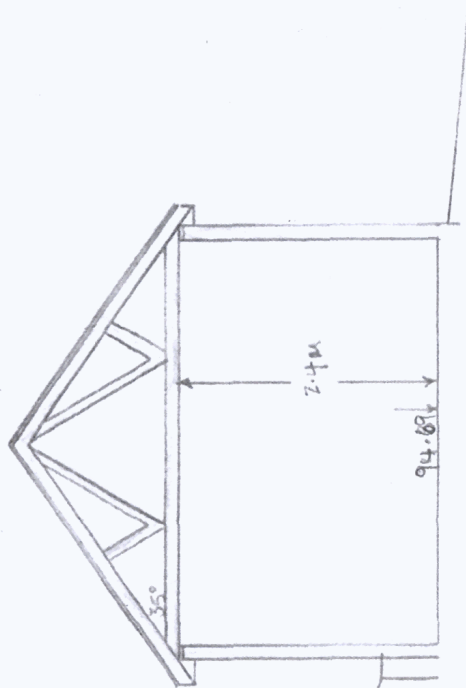
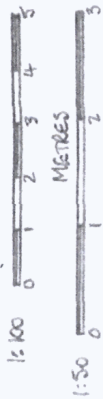


Title: Mr R Halhead
Rowanbank, Newton Terrace, PH10 6HD
Northern Plot
Sections

Date: 31.8.19
Scale: 1:200@A3

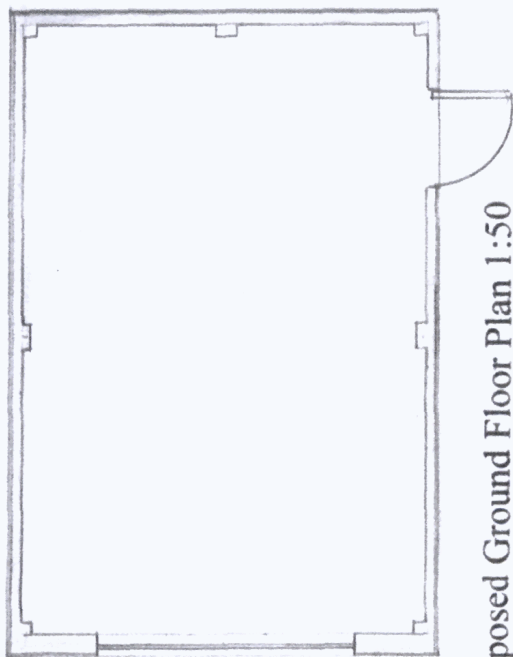
IAN STOKES
SETTING OUT AND LAND SURVEYING

Grianach
Cairneyhill Road
Bankfoot
Perth PH1 4AG
Telephone: 01738 787567
Mobile: 07775 802630
Email: iangstokes@tiscali.co.uk

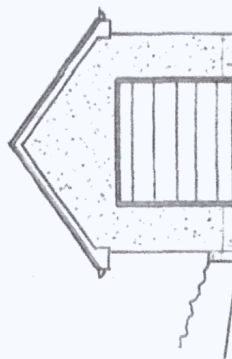


Proposed Vertical Cross-Section 1:50

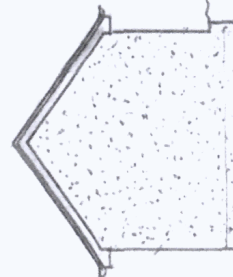
External Finishes
 Pitched roof to be slates with zinc ridge
 External walls to be white wet dash render
 Garage doors to be black with timber finish
 Rainwater goods to be black upvc



Proposed Ground Floor Plan 1:50



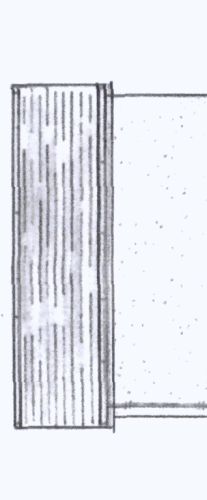
Proposed South West Elevation 1:100



Proposed North East Elevation 1:100



Proposed South East Elevation 1:100



Proposed North West Elevation 1:100

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Project: Erection of a dwelling house and garage
 at Newton Terrace, Blairgowrie PH10 6HD

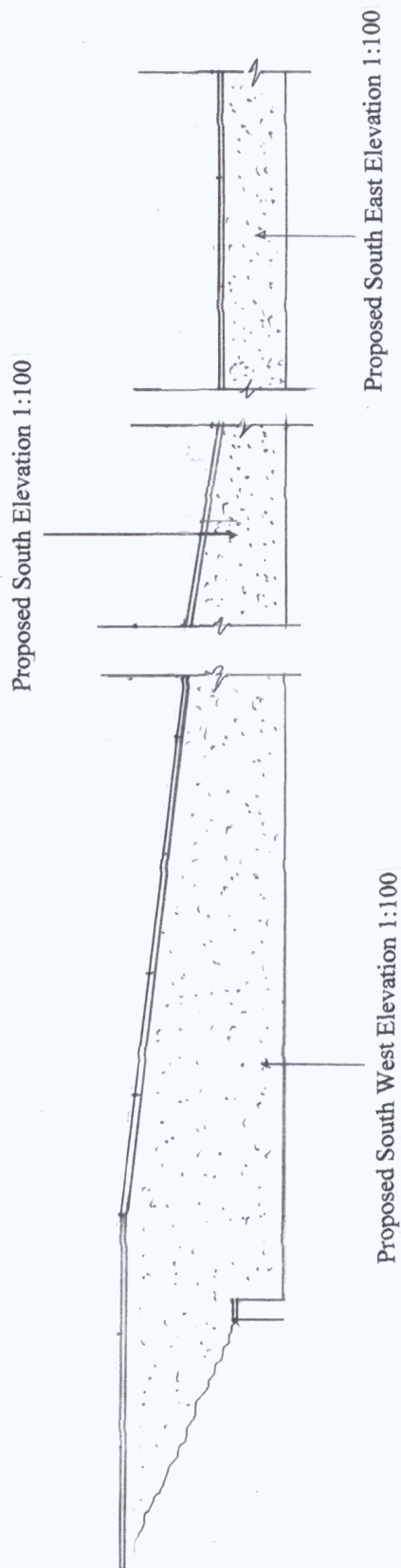
Scales: 1:50 & 1:100

Drawing ref: Proposed Garage

Date: July 2015

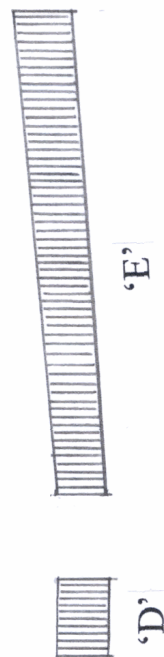
Drawing No: 9

External Finishes
Retaining wall to be white wet dash render



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Project: Erection of a dwelling house and garage at Newton Terrace, Blairgowrie PH10 6HD	
Scale: 1: 100	Drawing No: 17
Drawing ref: Retaining wall Date: March 2019	





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Project: Erection of a dwelling house and garage
at Newton Terrace, Blairgowrie PH10 6HD

Scale: 1: 100 Drawing No: 19

Drawing ref: Balustrade

Date: March 2019



Elegance and Efficiency

The Lotus Mondo series represents simple design and fine craftsmanship, apparent in the detail. The Mondo 1 has a clean straight front, whereas the Mondo 2 offers the added appeal of a gently curving front. Both models feature an elegant stainless steel door handle.

Mondo 1 and 2 are both available as 'S' models with complete soapstone covering on the sides and top which stores and radiates heat.

Style	Modern
Type	Free Standing
Fuel Type	Multi-Fuel
Power Output	5 kW
Flue Outlet Size	150 mm
Width	480 mm
Depth	392 mm
Height	987 mm

Staplehurst Showroom
Unit 5, Honeycrest Industrial Park,
Staplehurst, Tonbridge, Kent,
TN12 0RX

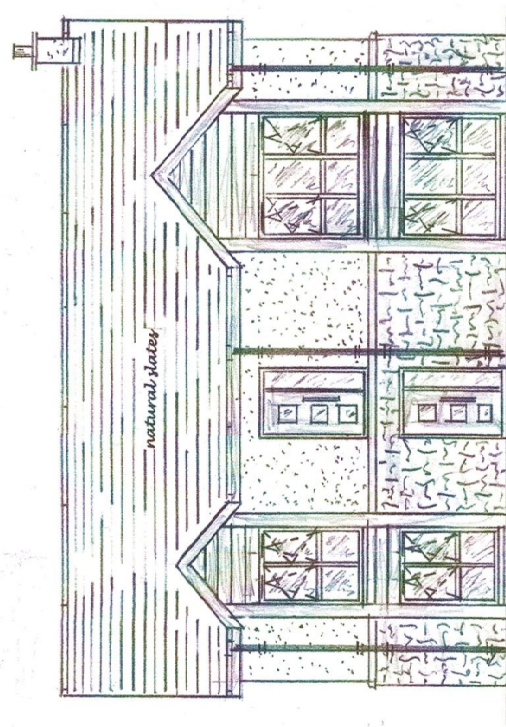
Opening Hours
Monday to Friday 9am - 5pm
Saturday 9am - 4pm

01580 893 510 - sales@woodstovetrading.co.uk

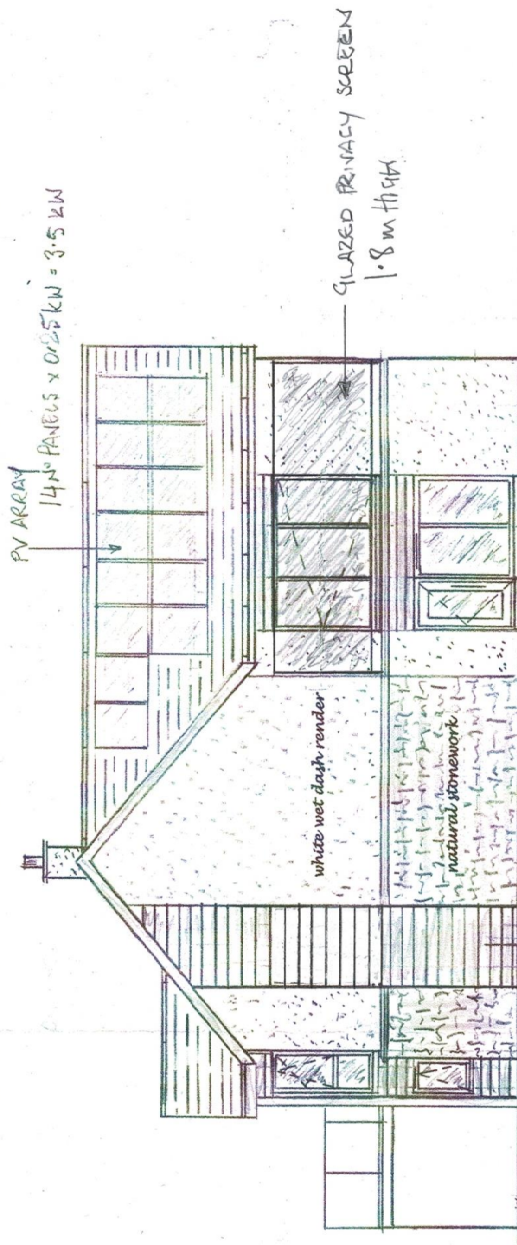
[Terms & Conditions](#)

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Trading as The Woodstove Trading Company
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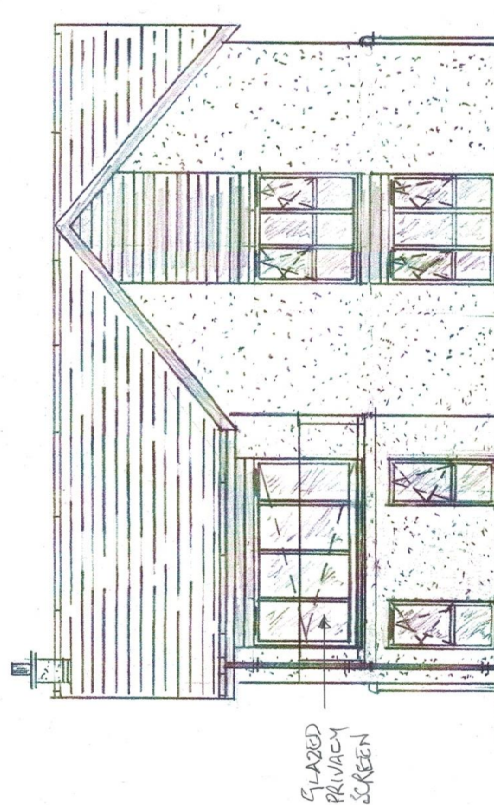
[Web Design & Development by NeoCentra Ltd](#)



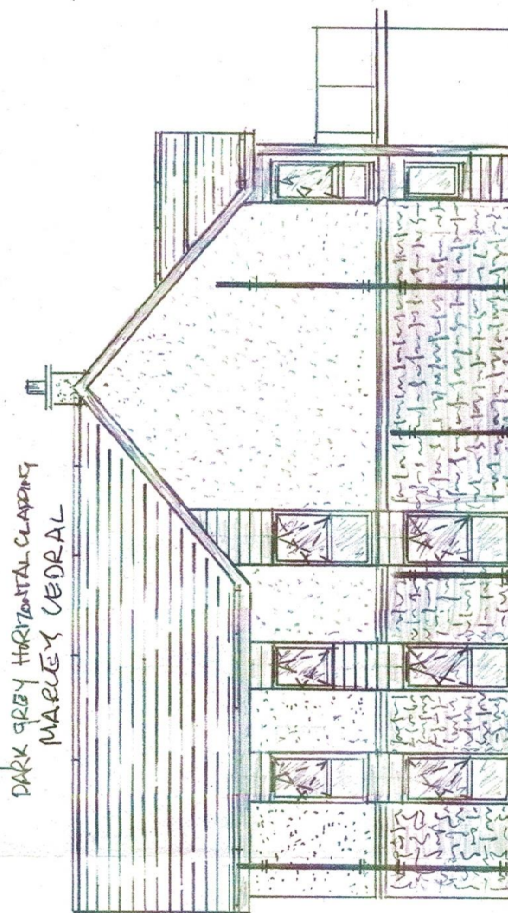
Proposed North West Elevation 1:100



Proposed South West Elevation 1:100



Proposed South East Elevation 1:100



Proposed North East Elevation 1:100

External Finishes
 pitched roof to be natural slate with zinc ridge
 External walls to be white wet dash render grey cherting and natural stonework
 Windows and patio doors to be timber double glazed
 Rainwater goods to be black upvc
 Bridge and balcony to be timber with glass balustrade and polished chrome rail and supports
 Glazed privacy screen to balcony



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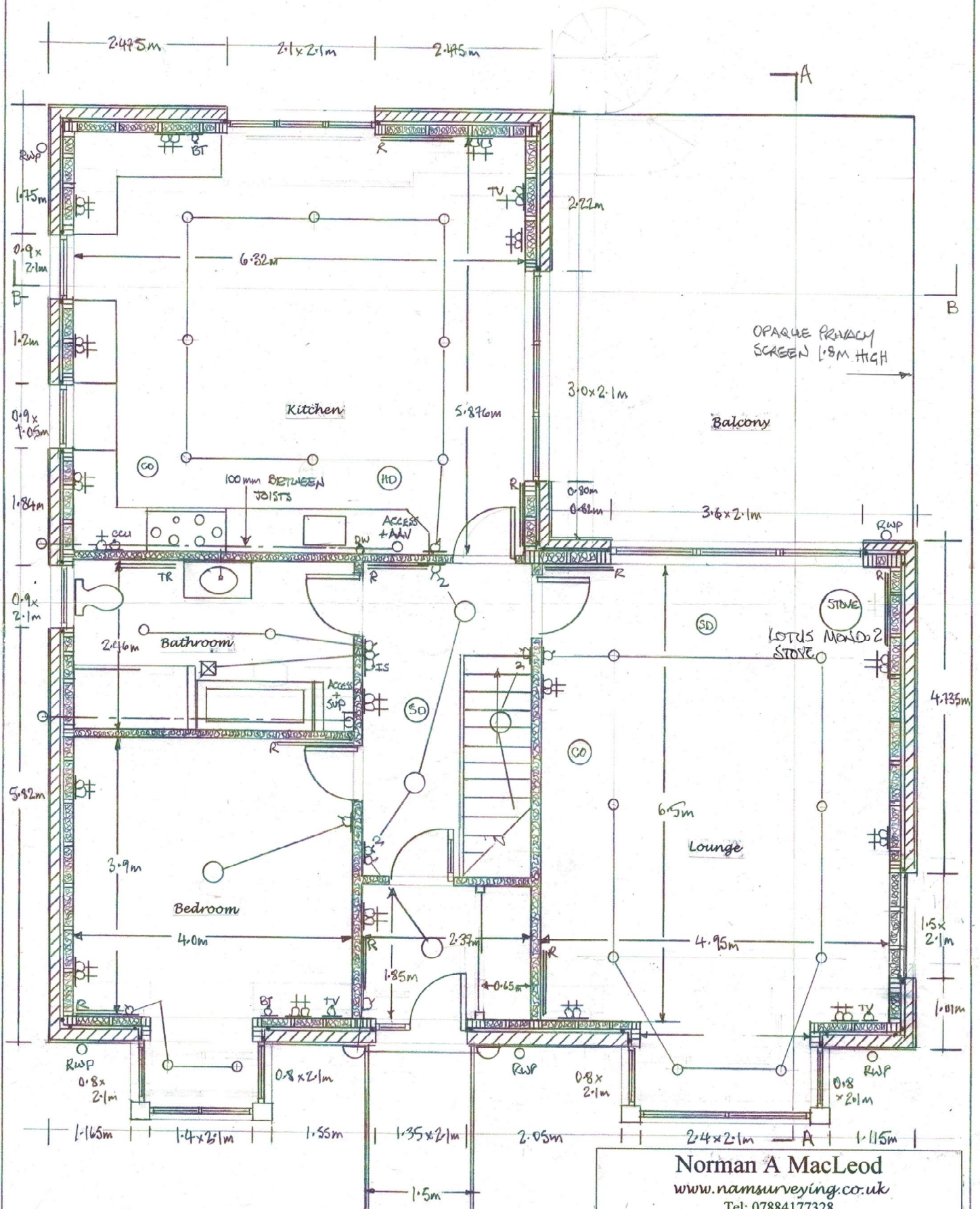
Project: Erection of a dwelling house and garage at
 Newton Terrace, Blairgowrie PH10 6HD

Scale: 1:100

Drawing ref: Proposed Elevations

Drawing No: 44

Date: July 2015



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Project: Erection of a dwelling house and garage at
Newton Terrace, Blairgowrie PH10 6HD

Scale: 1: 50

Drawing No: 6A

Drawing ref: Proposed First Floor Plan

Date: July 2015

Proposed First Floor Plan 1:50

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LRB-2020-02

Review of Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Officers, Newton Terrace, Blairgowrie

REPRESENTATIONS

22nd September 2019

Perth & Kinross Council
Pullar House 35 Kinnoull Street
Perth
PH1 5GD



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

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

Dear Local Planner

**PH10 Blairgowrie Newton Terrace Former Council
PLANNING APPLICATION NUMBER: 19/01510/FLL**

OUR REFERENCE: 782807

PROPOSAL: Erection of a dwellinghouse, garage and retaining wall (in part retrospect)

Please quote our reference in all future correspondence

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

- This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

Foul

- This proposed development will be serviced by Blairgowrie Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

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.

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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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 or not the discharge from your premises is likely to be considered 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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Yours sincerely

Angela Allison

[Redacted signature]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/01510/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin
Description of Proposal	Erection of a dwellinghouse, garage and retaining wall (in part retrospect)		
Address of site	Former Council Offices, Newton Terrace, Blairgowrie, PH10 6HD		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p> <p>This site has planning consent for a single dwellinghouse under 16/01422/FLL and a contribution towards primary education has been secured. This proposal will not increase the number of units consented on site and no additional contribution toward primary education is required.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total:</u> £0</p>		
Recommended informative(s) for applicant			
Date comments returned	25 September 2019		

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	19/01510/FLL	Our ref	LA
Date	30 September 2019	Tel No	

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth, PH1 5G

**Consultation on an Application for Planning Permission
RE: Erection of a Dwellinghouse, Garage and Retaining Wall (in part retrospect)
Former Council Offices, Newton Terrace, Blairgowrie, PH10 6HD for Mr Richard Hallhead**

I refer to your letter dated 25 September 2019 in connection with the above application and have the following comments to make.

Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments

This application contains provision for a single 5 kW wood burning stove and associated flue.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. This will not be necessary with the domestic sized stove as proposed in this case and therefore I have no adverse comments to make with regards to air quality.

Another matter pertaining to the stove which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the proposed dwellinghouse will be a detached 2 storey property and that the flue will discharge via a chimney to roof ridge height and therefore this will aid dispersion of emissions. I would advise that this could be further minimised by the use of fuel recommended by the manufacturer.

I would therefore have no objections to this development provided that the following condition is attached to the consent.

Conditions

- EH50** The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Comments to the Development Quality Manager on a Planning Application

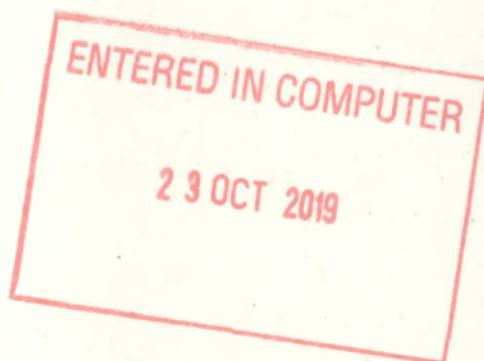
Planning Application ref.	19/01510/FLL	Comments provided by	Andrew de Jongh Technician – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse, garage and retaining wall (in part retrospect)		
Address of site	Former Council Offices, Newton Terrace, Blairgowrie, PH10 6HD		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	07/10/2019		

[REDACTED]

Mr James McLagan

[REDACTED]

Perth and Kinross Planning Department
Pullar House
35 Kinnoull Street
Perth
PH1 5GD



16th October 2019

Dear Sir/Madam,

Planning application – Ref. No: 19/01510/FLL Erection of dwelling house, garage and retaining wall. (Revised Site Layout).

Relating to original planning application 16/01422/FLL

The following detail is submitted to raise our objections to the above planning application as a neighbouring property.

1). In the original application **16/01422/FLL** there were several conditions to the planning application being granted. The following are now unclear from the detail submitted in this revised application (**19/01510/FLL**) if they are to remain.

Point 3: Living room window at first floor level in south west elevation is not approved

Point 4: Glazed privacy screen on balcony shall be fitted with opaque glazing and shall be retained in perpetuity.

The applicants own design statement, (The balcony will have glass balustrade with polished chrome supports and encasement. To the south west elevation an obscure-glazed privacy screen will be installed to a height of not less than 2m above the balcony. This is now fitted at 1.1m

These conditions were included in the interests of residential amenity; to ensure a satisfactory standard of the local environmental quality.

2).Relates to the retaining wall on the South West boundary. We object to several aspects regarding this structure and raised levels which are as follows

i) The overall proportions, proximity and visual appearance of this wall.

ii) The site levels as detailed in this application 19/01510/FLL have been raised from the original application 16/01422/FLL.

iii) This wall and up-fill behind the wall now occludes the light to the existing lower bedroom window of the neighbouring property. The proposed car parking zone now detailed will impinge on the privacy of the upper and lower bedrooms due to its close proximity and height for overlooking the neighbouring property.

iv) The new retaining wall is built on the boundary line with drainage channels at the base of the wall draining directly onto the neighbouring property. There is no indication on the proposed plans for any provision for drainage of the surface water on either the raised ground levels at the car parking area or the raised ground levels on the lower garden area both of which are now draining directly on to the neighbouring property.

v) As this retaining wall is solely for the purpose of retaining the made up ground which are now of considerable proportions and at the highest point measure 3.8 metres from the existing ground levels. This large and over powering wall does not have any visual or physical effect on the property within this application but does have a considerable negative impact on the privacy and visual amenity of the neighbouring property and the surrounding area.

The proposed finish for the retaining wall on the South West elevation is white wet dash render. We were careful when planning our own build that we did not have large areas of the same finish by using natural stone and wood lining to break this up. If this application is approved we would have an imposing white structure facing us every time we enter the property and all that would be visible from the lower ground floor bedroom window

Having read policy HE3A, It is unclear how this wall and ground levels can preserve or enhance the conservation area where this planning application relates too.

Yours Sincerely

James McLagan















Clerk to the Local Review Body
Perth and Kinross Council
Council Building
2 High Street
Perth
PH1 5HP

26th February 2020

Application Ref: 19/01510/FLL

Application Ref: Review of the Conditions 3, 4, 5 and 7.

In response to your letter asking if I wish to make any further representations in relation to the review of the original decision.

The applicant's previous application Ref: 16/01422/FLL and approved on the 7th of October 2016 had conditions 3, 4, and 5 attached to this application. The applicant and or their agent decided to ignore these conditions and carried on regardless fitting the unapproved window and reducing the height from 2.0m to 1.1m of the obscure glazed privacy screen on the South West elevation of the Balcony, the condition also stated that prior to the commencement of any development on site a revised South West elevation which omits this window or utilises a high level window shall be submitted to and approved in writing by the Planning Authority. Clearly again this was ignored.

Condition 5, the same applies

Condition no 7. This retaining wall I have covered in a previous objection to the planning application no 19/01510/FLL. This retaining wall was built without planning permission, although this was then granted planning permission on the 5th November 2019.

I also commented that the finish of this wall if it was to stay as is we hoped that this would be in keeping with our own property.

We objected to the finish as submitted with white wet dash render as our own property has no large areas of one material and is broken up by a variety of materials and I also feel that the stone and materials used are the same type as is used on our property, as this wall has no bearing on the applicant and therefore they have no interest on how the finished article looksApplication Ref:

19/01510/FLL Condition no 2. The applicant has made no reference to this condition in the requested review which I would assume from this they agree with this condition. The condition clearly states. Within three month of the date of this decision notice (5th November 2019) the site levels at the top of the retaining wall on the south west boundary shall be amended and a French drain installed along the length of the south west boundary of the site to ensure that no surface water is discharged in to the adjacent site to the south west. The French drain shall be connected to an appropriately designed soakaway system all to the satisfaction of the Council Planning Authority. There has been no attempt or otherwise to carry this condition out in the timescale.

Yours Sincerely

A black rectangular box redacting the signature of James McLagan.

James McLagan

Comments from Appellant on Interested Party's Representation - LRB -2020 -02

- Their ground level is approx. 400mm lower than it should be at the base of retaining wall
- Mr McLagan refused contractors access to render wall
- Their own retaining walls, large double garage and westerly gable end wall are not rendered with no stone or wood, in-fact they are pebble dashed
- Neighbours' were meant to plant a hedge on boundary at bottom of wall, this being the case the finish of wall would not be seen
- My drive is to be tarred with it sloping to a drain connected to my soakaway
- Even without drain I have seen no water going into neighbours' ground after the wettest February on record

12 March 2020

LRB-2020-02

Review of Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Officers, Newton Terrace, Blairgowrie

FURTHER INFORMATION

- Copy of Title Deed, as requested by the LRB on 21 July 2020

We, **RICHARD THOMAS MYLES HALHEAD** residing at Old Woodlands, Woodlands Road, Blairgowrie PH10 6JU and **JAMES ALEXANDER MCLAGAN** formerly residing at Kiannary Villa, Perth Road, Blairgowrie PH10 6PY and now residing at Twelve Riverside Park Blairgowrie PH10 6GB the registered proprietors of the subjects hereinafter disposed considering that we wish to divide the subjects hereinafter disposed between us have therefor agreed and DO HEREBY DISPONE to and in favour of the said Richard Thomas Myles Halhead and to his executors and assignees whomsoever heritably and irredeemably ALL and WHOLE the northmost portion of the subjects forming and known as Rowanbank, Newton Terrace, Blairgowrie PH10 6HT extending to 1449m² or thereby all as the subjects are shown delineated and hatched in blue on the plan annexed and subscribed as relative hereto which subjects form part and portion of the subjects registered in the Land Register of Scotland under Title Number PTH44212; Together with the right to (One) the servitudes set out in Part 2 of the Schedule annexed and signed as relative to this Disposition (the "Schedule") which Schedule forms part of this Disposition and will have effect as if set out in full in the body of this Disposition; But the property hereby disposed is disposed always with and under (One) the real burdens set out in Part 3 of the Schedule and (Two) the servitudes set out in Part 4 of the Schedule; With Entry and actual occupation as at the Fourth day of November Two Thousand and Sixteen; And we grant simple warrandice; IN WITNESS WHEREOF these presents consisting of this page, the Schedule and plan annexed are subscribed by the said **Richard Thomas Myles Halhead and James Alexander McLagan** at the places and on the dates set out below in the presence of the undernoted witness:

.....
witness signature

ALISON MARGARET HODGE

.....
witness name

Union Bank Building Coupar Angus

.....
witness address

.....
witness signature

ALISON MARGARET HODGE

.....
witness name

Union Bank Building Coupar Angus

.....
witness address

.....
signature of

Richard Thomas Myles Halhead

14th November 2016

.....
date

COUPAR ANGUS

.....
place

.....
signature of

James Alexander McLagan

14th November 2016

.....
date

COUPAR ANGUS

.....
place

Schedule

This is the Schedule annexed to the Disposition by Richard Thomas Myles Halhead and James Alexander McLagan in favour of Richard Thomas Myles Halhead.

Part 1

In this Schedule "Retained Property" means ALL and WHOLE the southmost portion of the subjects forming and known as Rowanbank, Newton Terrace, Blairgowrie PH10 6HT all as the subjects are shown delineated in red on the plan annexed and subscribed as relative hereto which subjects form part and portion of the subjects registered in the Land Register of Scotland under Title Number PTH44212.

In this Schedule "Disposed Property" means the subjects described in this Disposition as the northmost portion of the subjects forming and known as Rowanbank, Newton Terrace, Blairgowrie, PH10 6HT and as shown delineated and hatched in blue on the plan annexed and subscribed as relative hereto which subjects form part and portion of and the subjects registered in the Land Register of Scotland under Title Number PTH44212.

Part2

Servitudes affecting the Retained Property

The following servitudes are imposed on the Retained Property in favour of the Disposed Property:-

1. A heritable and irredeemable servitude right of wayleave over the Retained Property to connect into and construct, lay and thereafter maintain all water pipes, electricity and telephone lines or cables and other service media over the same with a right of access for the purposes of inspection, maintenance, laying, installing, repairing, replacing and renewing said pipes, lines, cables and other service media as from time to time may be necessary.
2. A heritable and irredeemable servitude right of wayleave for any existing electricity and telephone lines or cables lying within the Retained Property and serving the Benefited Property with a right of access for the purpose of inspection, maintenance, laying, installing, repairing, replacing and renewing said pipes, lines, cables and other service media as from time to time may be necessary.

Part 3

Real burdens affecting the Disposed Property for the benefit of the Retained Property

The following real burdens are imposed upon the Disposed Property in favour of the Retained Property:-

1. The servitude rights and others contained in Part 2 of this Schedule are subject always to (First) the making good of any damage occasioned thereby and (Second) the exercising of said rights at all times so as to cause the least practical inconvenience as possible to the proprietors of the Disposed Property.
2. The Disponee shall within one month of the date of entry erect a boundary fence between the Retained Property and the Disposed Property in a style approved by both parties at joint expense and shall thereafter be responsible for a one half share of the costs of maintaining, repairing and if

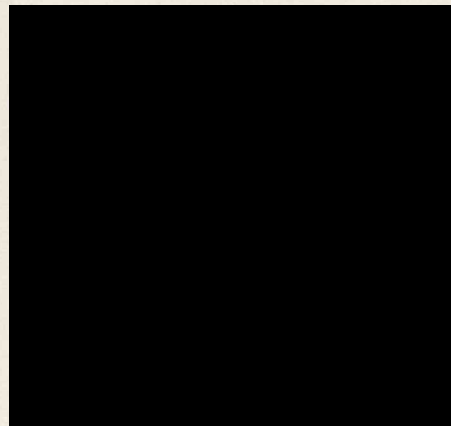
necessary renewing said boundary fence and any other boundary enclosure separating the Disposed Property and the Retained Property.

3. The Disponee will be responsible for the whole costs of maintaining, replacing and if necessary renewing electricity, telephone cables and pipes so far as they serve exclusively the Disposed Property and for an equitable share of the costs of maintaining, replacing and if necessary renewing the remainder of the same along with any others entitled to use same and that according to usage; declaring that for the avoidance of doubt the proprietors of the Disposed Property shall have no responsibility for any part of the remainder of said cables and pipes insofar as they serve exclusively any other property.

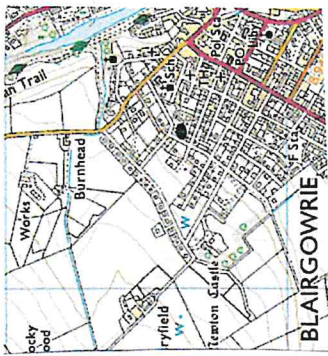
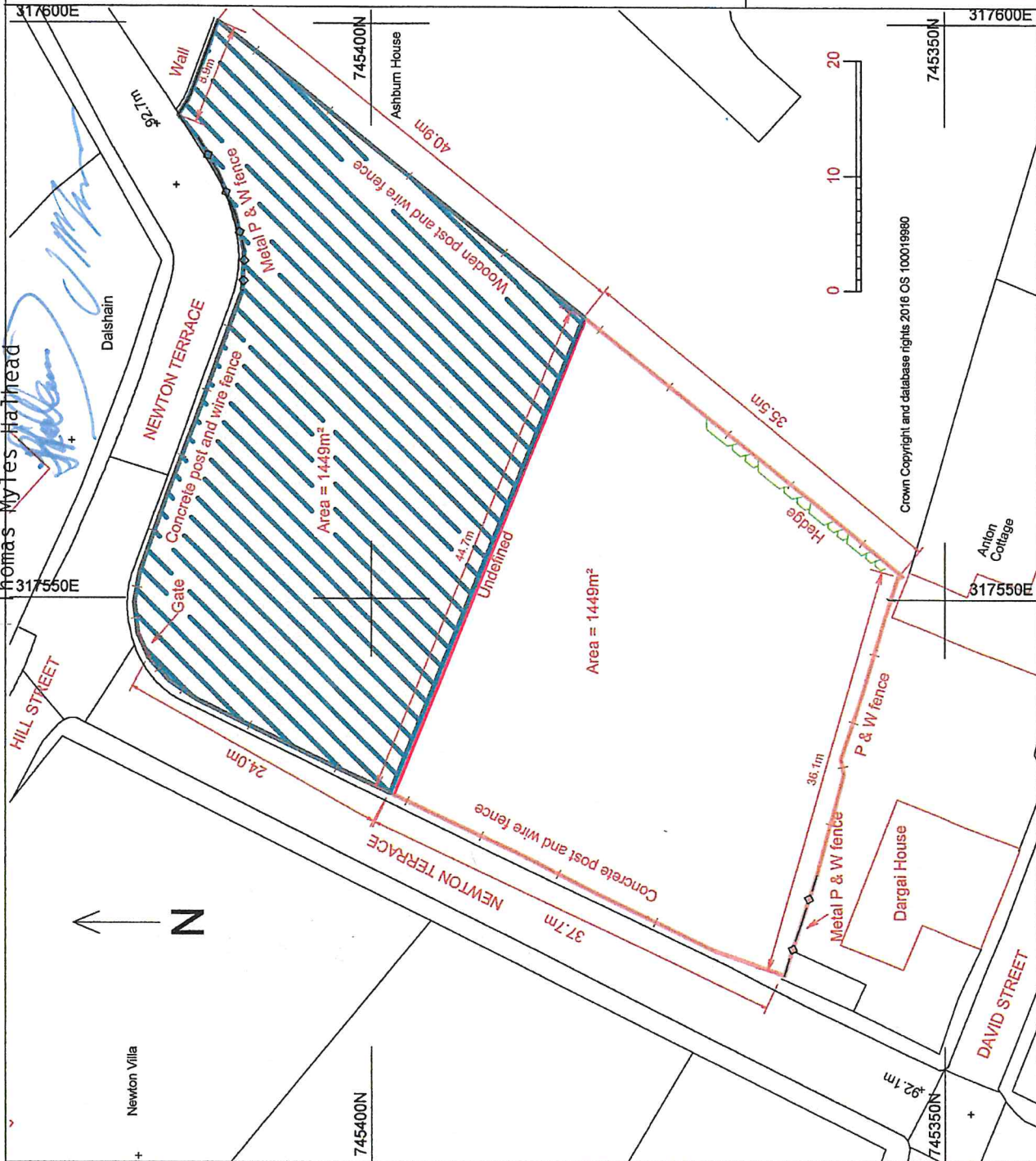
Part 4

Servitudes affecting the Disposed Property

1. There is reserved in favour of the Retained Property a heritable and irredeemable servitude right of wayleave over the Disposed Property to connect into and to construct, lay and thereafter maintain water pipes, electricity and telephone lines or cables and any other service media over the same with a right of access for the purpose of executing maintenance repairs, alterations and renewals as from time to time may be necessary.



This is the plan referred to in the foregoing Disposition by Richard Thomas Myles Halhead and James Alexander McLagan in favour of Richard Thomas Myles Halhead



LOCATION PLAN 1:25000

Title: North Plot

Rowanbank, Newton Terrace,
Blairgowrie, Perthshire,
PH10 6HD.

Date: 15.10.16

Scale: 1:500

IAN STOKES

SETTING OUT AND LAND SURVEYING

Ardath
Dunkeld Road
Bankfoot
Perth PH1 4AJ

Telephone: 01738 787567
Mobile: 07775 802630

DISPOSITION

by

RICHARD THOMAS MYLES HALHEAD and JAMES ALEXANDER MCLAGAN

In favour of

RICHARD THOMAS MYLES HALHEAD



Watson + Lyall Bowie

solicitors

notaries

estate agents

Title No: PTH44212

Watson & Lyall Bowie,
Solicitors,
Union Bank Building,
COUPAR ANGUS, PH13 9AJ
legalservices@wandlb.co.uk

