

**TCP/11/16(531) – 18/00126/FLL – Installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard’s Bank, Perth, PH2 8EB**

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**TCP/11/16(531) – 18/00126/FLL – Installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



**TCP/11/16(531)**

**18/00126/FLL – Installation of CCTV Camera (in retrospect), Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB**

This application contains sensitive personal data which the Council cannot publish.  
The full application will be submitted to the members of the Local Review Body.



# 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 2013

**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.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div style="border: 1px solid black; padding: 2px;">MRS.</div>	Ref No.	<div style="border: 1px solid black; height: 20px;"></div>
Forename	<div style="border: 1px solid black; padding: 2px;">VICKI</div>	Forename	<div style="border: 1px solid black; height: 20px;"></div>
Surname	<div style="border: 1px solid black; padding: 2px;">WARD</div>	Surname	<div style="border: 1px solid black; height: 20px;"></div>
Company Name	<div style="border: 1px solid black; padding: 2px;">NONE</div>	Company Name	/
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode		Postcode	<div style="border: 1px solid black; height: 20px;"></div>
Telephone		Telephone	<div style="border: 1px solid black; height: 20px;"></div>
Mobile	<div style="border: 1px solid black; padding: 2px;">/ NONE</div>	Mobile	<div style="border: 1px solid black; height: 20px;"></div>
Fax	<div style="border: 1px solid black; padding: 2px;">/ NONE</div>	Fax	<div style="border: 1px solid black; height: 20px;"></div>
Email	<div style="border: 1px solid black; padding: 2px;">/ NONE</div>	Email	<div style="border: 1px solid black; height: 20px;"></div>
<b>3. Application Details</b>			
Planning authority		<div style="border: 1px solid black; padding: 2px;">PERTH AND KINROSS COUNCIL</div>	
Planning authority's application reference number		<div style="border: 1px solid black; padding: 2px;">18/00126/FLL</div>	
Site address		FLAT 4, 9 ST. LEONARD'S BANK, PERTH, PERTHSHIRE PH2 8EB	
Description of proposed development			
Temporary permission for one CCTV camera on the outside of the said FLAT			

Date of application

Date of decision (if any)

22/03/18

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

#### 4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☐

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)

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

#### 6. 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.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☒  
☐  
☒  
☐

If you have marked either of the first 2 options, 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 necessary.

\* SEE ADDED WRITTEN pieces OF  
PAPER explaining WHY A REVIEW IS  
NECESSARY \*

#### 7. Site inspection

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

Can the site be viewed entirely from public land?

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

☒



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

NO REASONS

### 8. 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.

my reasons for review are as stated:  
First let me tell you that [REDACTED]

[REDACTED] my  
NEIGHBOUR, HAS 4 CCTV CAMERAS ON THE  
OUTSIDE OF HER FLAT THAT I HAVE CONTINUALLY  
TOLD PERTH AND KINROSS COUNCIL ABOUT AND THEY  
TURN A BLIND EYE. [REDACTED]

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

Yes ☒ No ☐

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

I THINK THIS SHOULD BE CONSIDERED WITH MY  
REVIEW [REDACTED]

[REDACTED] my HUSBAND [REDACTED] FEARS FOR  
HIS SAFETY. THE ONE CCTV CAMERA ON THE  
WALL OUTSIDE OUR GROUND FLOOR FLAT PROTECTS  
[REDACTED] AND [REDACTED]

## 9. 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

SEPERATE SHEETS OF PAPER explainin g  
EVERYTHING

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.

## 10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

VICKI WARD

Date:

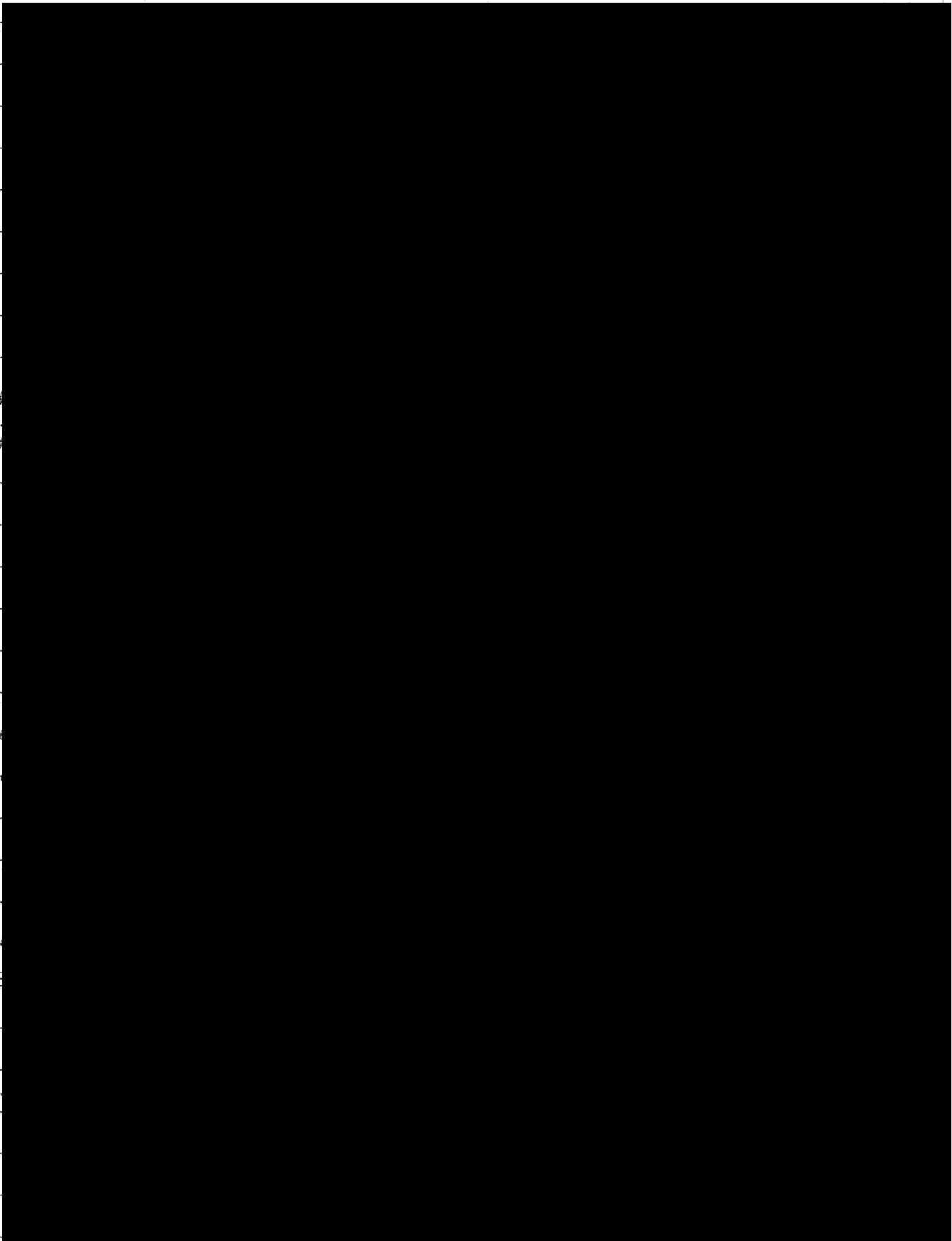
13-04-18

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

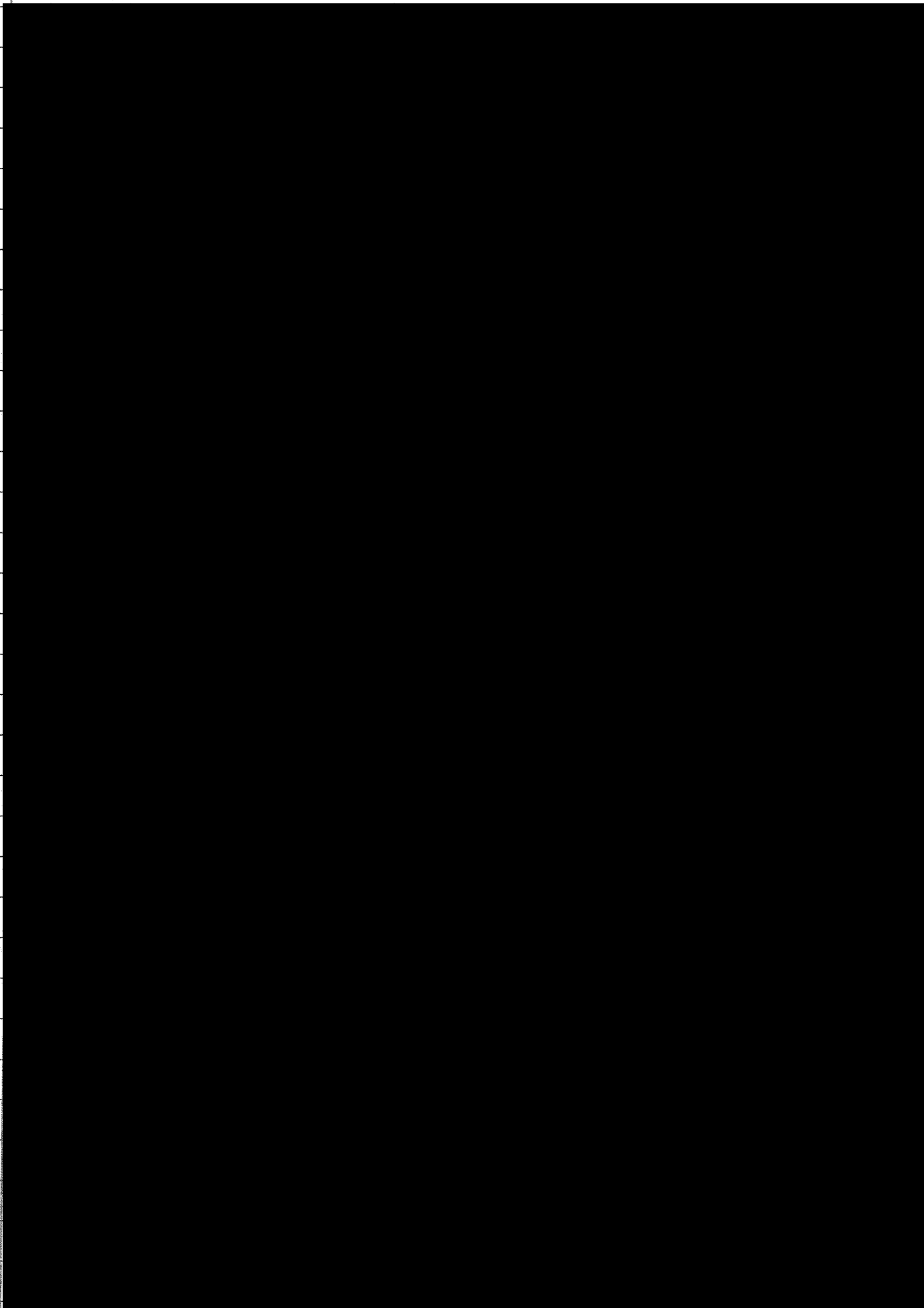
(1)

13-4-18

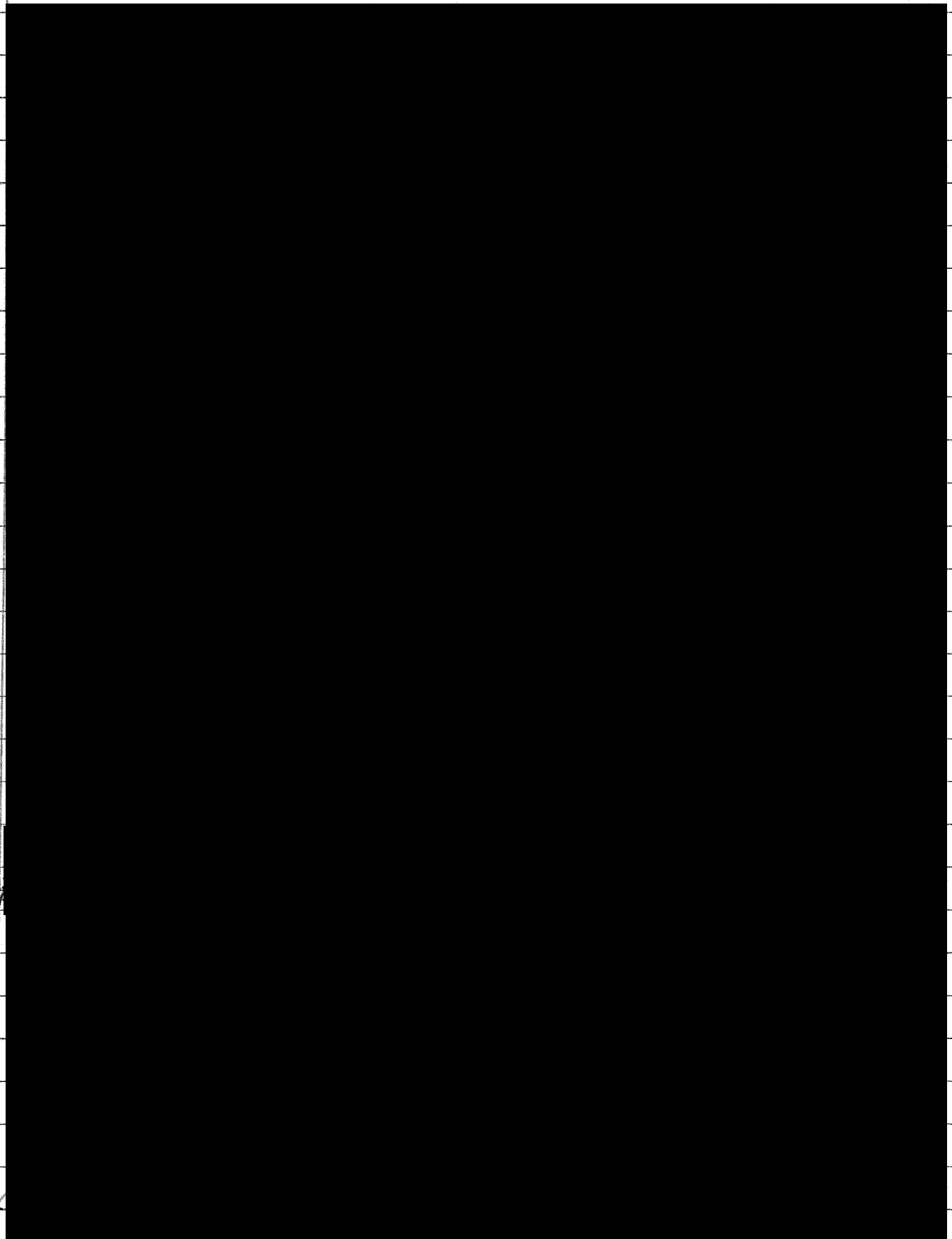
REASONS CONTINUED FROM =  
8: STATEMENT



2




3



We are asking for consent  
to temporarily keep the  
one CCTV camera until



(4)

THE FLAT SELLS. IT HAS BEEN FOR SALE SINCE AUGUST 2017



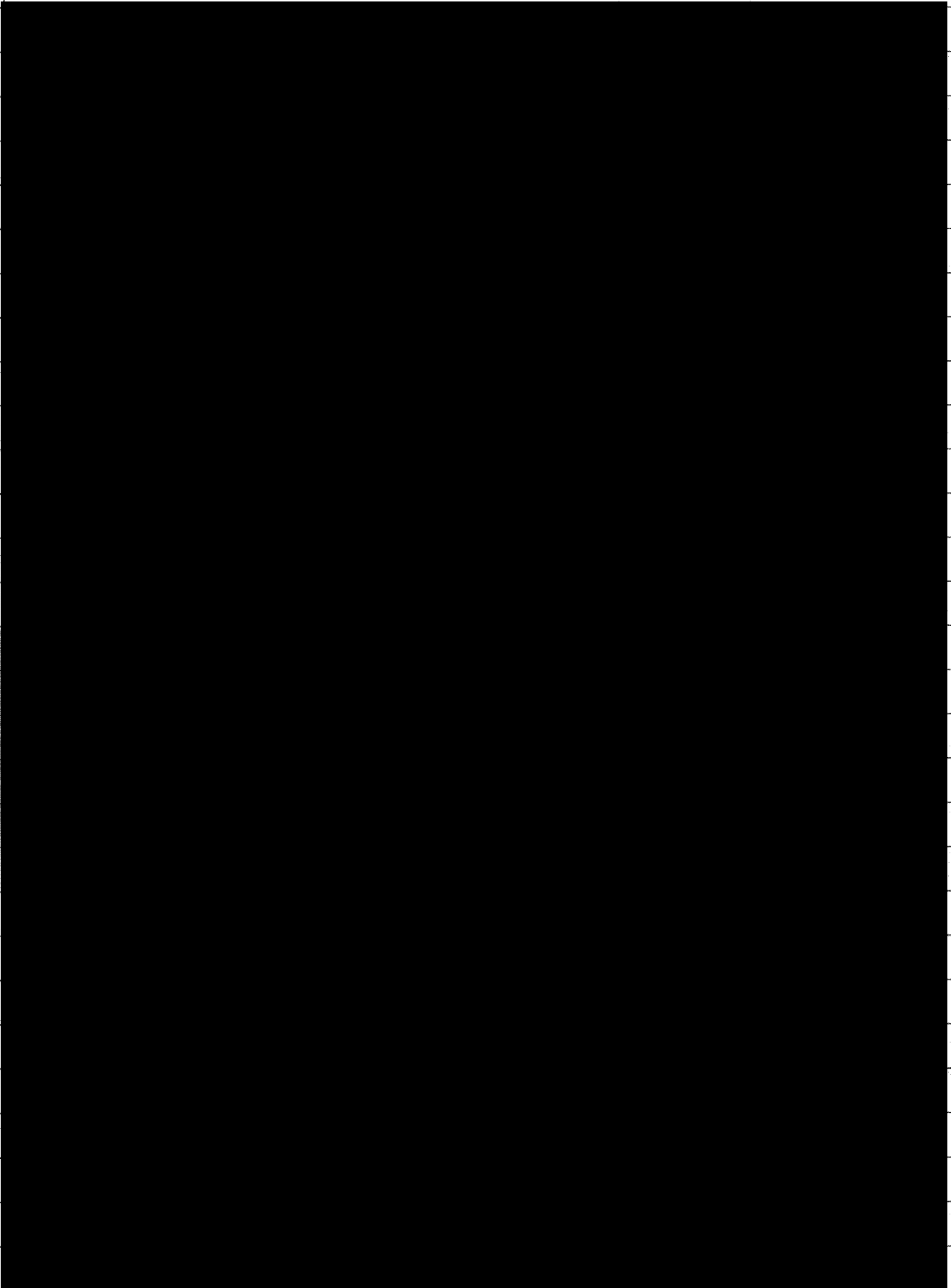
WE HAVE REDUCED THE PRICE ~~£5,000~~ TO GET RID OF THE FLAT. WE WANT IT SOLD

SO PLEASE GRANT US TEMPORARY CONSENT ON THESE BASIS.

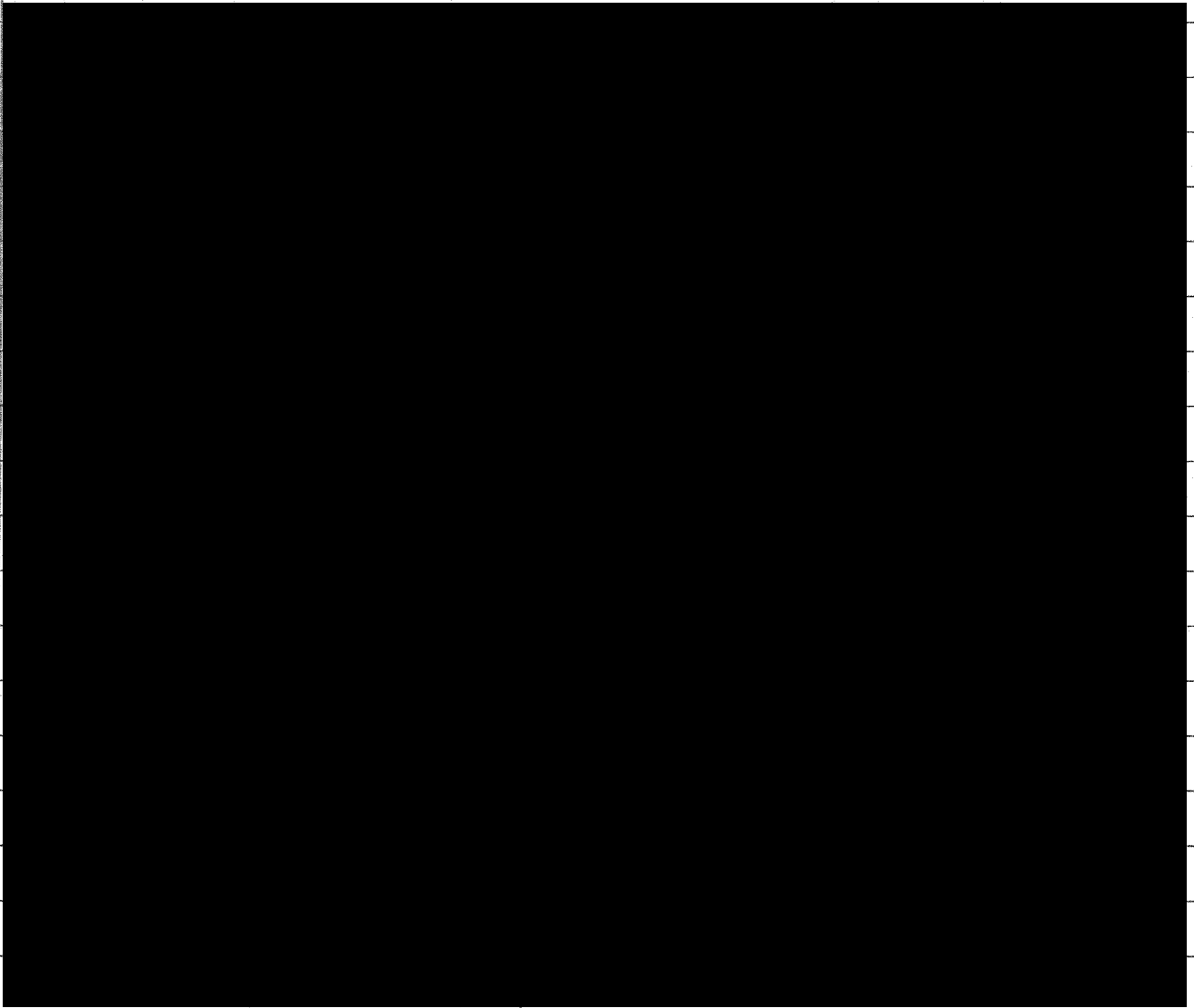


THE FLAT IS FOR SALE AND IT HAS NOT BEEN ADVERTISED WITH HAVING CCTV, SO NO ONE KNOWS WE HAVE IT AND WE ARE SELLING THE FLAT WITH NO CCTV CAMERAS

5



6



THANK YOU  
ONCE AGAIN



# PERTH AND KINROSS COUNCIL

Mrs Vicky Ward  
c/o John Webster Architecture  
John Webster  
24 Granary Wynd  
Monikie  
Dundee  
DD5 3WP

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 22nd March 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 18/00126/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 26th January 2018 for permission for **Installation of CCTV Camera (in retrospect) Flat 4 9 St Leonard's Bank Perth PH2 8EB** for the reasons undernoted.

  
*P.P.* Interim Development Quality Manager

### Reasons for Refusal

1. The scope, range and field of vision of the cctv camera and associated microphone is such that it monitors and records extensive areas of communal amenity space, resulting in an infringement of privacy which significantly adversely impacts residential amenity. Approval would therefore be contrary to policies PM1A and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to ensure that the siting of development respects the amenity of the place in order to protect and, where possible, improve existing residential amenity.

### Justification

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

## Notes

The unauthorised aerial and cctv cameras must be removed from the building within three months of the date of this notice and written confirmation that this has been done shall be submitted to the Council's Development Management Enforcement Officer. Failure to remove these unauthorised features will result in formal enforcement action being taken.

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### Plan Reference

18/00126/1

18/00126/2

18/00126/3

**TCP/11/16(531) – 18/00126/FLL – Installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard’s Bank, Perth, PH2 8EB**

**PLANNING DECISION NOTICE** *(included in applicant’s submission, see pages 23-24)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00126/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	25.03.2018	
Case Officer	Keith Stirton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Installation of CCTV Camera (in retrospect)

**LOCATION:** Flat 4 9 St Leonard's Bank Perth PH2 8EB

#### SUMMARY:

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

**DATE OF SITE VISIT:** 30 January 2018

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Flat 4, 9 St. Leonard's Bank in Perth, which is a Category C-Listed Building situated on the perimeter of the Perth Central Conservation Area. This classically designed villa, dating from circa 1835, is a fairly substantial building which has been sub-divided into six flats. This application seeks detailed planning permission for the installation of an individual cctv camera, which has already taken place. The application is therefore submitted in retrospect.

A related application for Listed Building Consent has recently been approved, given its minimal impact on the Listed Building, Ref: 18/00126/FLL

The applications follow recently refused applications for the installation of a satellite dish, aerial and three cctv cameras, Ref's: 17/01556/LBC + 17/01557/FLL

## **SITE HISTORY**

17/01556/LBC	Alterations Application Refused – 30 October 2017
17/01557/FLL	Installation of CCTV and satellite dish (in retrospect) Application Refused – 30 October 2017
18/00107/LBC	Alterations Application Permitted – 28 February 2018

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Not Applicable.

## **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 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 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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

## **OTHER POLICIES**

None

## **CONSULTATION RESPONSES**

None Required.

## **REPRESENTATIONS**

The following points were raised in the 6 representations received:

- Invasion of privacy through audio and video monitoring and recording of communal areas
- Visual impact of installation on the principal elevation of the building

## **ADDITIONAL INFORMATION RECEIVED:**

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

## **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**

Developments which are ancillary to an existing residential dwelling are considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the specific details of any proposals and whether they would have an adverse impact on residential amenity, visual amenity or the character and appearance of the Conservation Area.

### **Design and Layout**

The detached Category C Listed Building is a fairly substantial and impressive Classical villa dating from circa 1835. This proposal seeks detailed planning permission for one dome-style cctv camera on the principal (East) elevation. The installation has already taken place; therefore the application is submitted in retrospect.

Two other cctv cameras, a satellite dish and an aerial, all of which have also been installed and were previously refused, are shown for removal.

The one dome-style cctv camera proposed within this application is located in between the decorative Doric-columned doorpiece and a ground floor window on the principal (East) elevation.



## **Landscape**

The scale and nature of the proposals do not raise any landscape impact issues.

## **Residential Amenity**

The very nature of the dome-style cctv camera is such that it has a fairly discreet appearance, and it is of small proportions, measuring less than 60mm in projection and less than 100mm in width and height.

It is appreciated that the discreet design of the cctv camera, by its very nature, has the potential to create a perception of being monitored, as it is not immediately obvious to an observer from the outside of the building what the scope and range of the camera is.

The applicant's supporting statement makes a declaration that;

*"There are 2 cameras at my front lounge window. One of them points down to see part of my lounge window and the area in front, the parking area where I park my car and only the steps and border going into the garden. The garden is not being viewed. It is a large garden and the other residents can sit in the garden, hang clothes and walk around without my CCTV Camera's interfering with them".*

However, additional information was sought in relation to the scope and range of the remaining camera in order to corroborate the statement and verify its accuracy. A photograph of the cctv monitor and a site plan which identifies the different areas of communal ownership was submitted on 19 March 2018.

It is seriously concerning to note that the field of vision of the cctv camera covers not only the communal parking area, but also the communal gardens which the adjoining residents use as their own amenity space. The widespread surveillance, monitoring and recording of video footage across this communal area is considered to be a direct and unacceptable infringement of privacy, which results in a significant loss of amenity to the adjoining neighbours within the building.

Audio recording of the communal grounds has also been raised as a point of objection amongst residents. Whilst it is not possible to determine the scope and range of the system's audio capabilities, the photograph of the cctv monitor appears to confirm audio recording capabilities. This is also considered to be an unacceptable infringement of privacy.

## **Visual Amenity**

Although the position of the camera is on the principal elevation of the property, it does not have an adverse impact on visual amenity due to the small proportions and discreet nature of the installed unit. Therefore, the

proposal is not considered to have an adverse impact on the character or appearance of the Conservation Area.

### **Roads and Access**

There are no road or access implications associated with this proposed development.

### **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development.

### **Developer Contributions**

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

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 or 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 refusal.

### **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**

**Refuse the application**

## **Reasons for Recommendation**

- 1 The scope, range and field of vision of the cctv camera and associated microphone is such that it monitors and records extensive areas of communal amenity space, resulting in an infringement of privacy which significantly adversely impacts residential amenity. Approval would therefore be contrary to policies PM1A and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to ensure that the siting of development respects the amenity of the place in order to protect and, where possible, improve existing residential amenity.

## **Justification**

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

## **Informatives**

- 1 The unauthorised aerial and cctv cameras must be removed from the building within three months of the date of this notice and written confirmation that this has been done shall be submitted to the Council's Development Management Enforcement Officer. Failure to remove these unauthorised features will result in formal enforcement action being taken.

## **Procedural Notes**

The case is to be passed back to Development Management's Enforcement Officer to secure the removal of the unauthorised aerial and cctv cameras. Additionally, investigations should be carried out on the flood lighting, which also appears to be unauthorised, in order to regularise the situation.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00126/1

18/00126/2

18/00126/3

**Date of Report**      **22 March 2018**



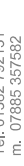
## 9/4, St. Leonard'S Bank, Perth, PH2 8EB

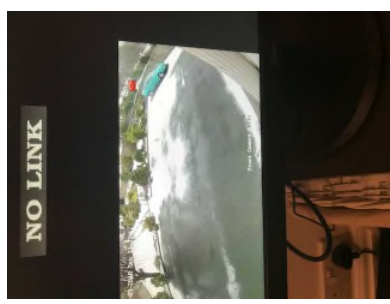
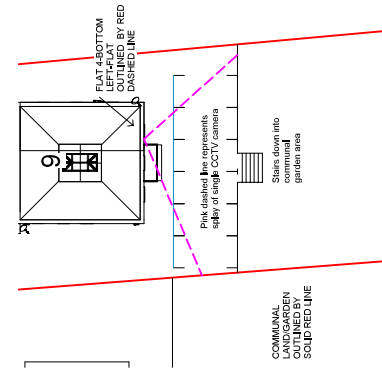
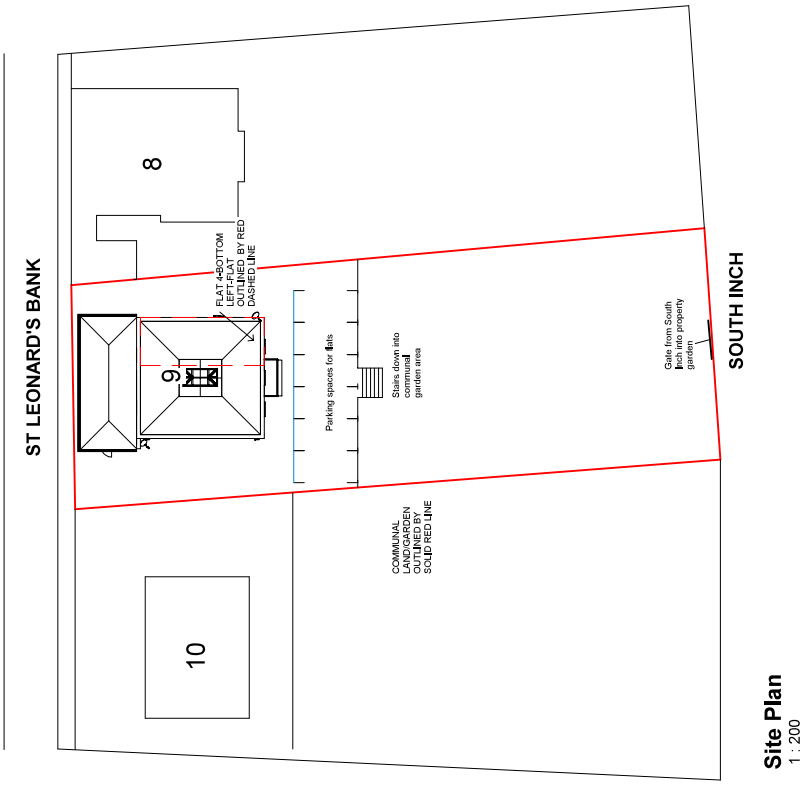


Map shows area bounded by: 311297.28,722851.3,311438.72,722992.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

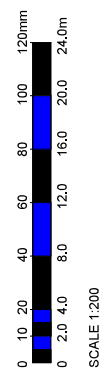
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Screenshot from CCTV camera



Project	Planning Consent in Respect of the Site CCTV Camera @ Flat 4, 9 St Leonard's Bank, Perth PH2 8EB	Client	Mr & Mrs Ward	Ref	CAPL143-2	Status	PL	Scale	1:50	Date	19/02/2018	cityarchitecture www.city-architecture.co.uk john@city-architecture.co.uk	Dundee Office 24 Granary wynd Monkie, Broughty ferry Dundee, Angus DD5 3WP Tel. 01382 792131 m. 07885 357582	Aberdeen Office The Soap Factory 111 Gallowgate Aberdeen AB25 1BU Tel. 01224 677089 m. 07885 357582





**TCP/11/16(531) – 18/00126/FLL – Installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB**

## **REPRESENTATIONS**



**Tracy McManamon**

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**From:** Linda El-Miligy <[REDACTED]>  
**Sent:** 07 February 2018 11:36  
**To:** Development Management - Generic Email Account  
**Subject:** Re: PAR 18/00126/FLL 9/4 St Leonards Bank Perth PH2 8EB

Dear Madam

**Re: PAR 18/00126/FLL 9/4 St Leonards Bank Perth PH2 8EB**

I wish to object to the installation of CCTV with an audio recording facility, at Flat 4, 9 St Leonards Bank, Perth PH2 8EB.

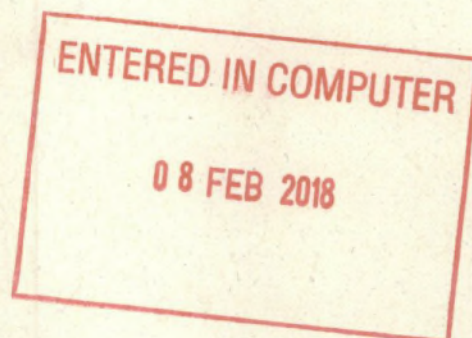
I consider this to be a gross invasion of my privacy and I strongly object. I am unable to have a private conversation in the grounds of my own home.

I was not asked by the property owner, Mrs Vicky Ward, at any time before or after installation, whether I had any objection to this being installed.

I would like the CCTV removed as soon as possible.

Yours sincerely

Linda El-Miligy  
[REDACTED]





## Tracy McManamon

---

**From:** scottty perth [REDACTED]  
**Sent:** 11 February 2018 13:26  
**To:** Development Management - Generic Email Account  
**Subject:** Planning- letter of comment

From: Douglas Pearson  
To: Development Quality Manager  
Subject: Letter of comment on Planning Application Number /reference 18/00126/FLL

Dear Planning Department,

I am writing to object to planning application ref 18/00126/FLL

1. This CCTV Camera along with associated black cabling are fixed on the distinctive ashlar wall finish on the main wall of the building in a very prominent location. This has an adverse impact on visual amenity, is not sympathetic to the sensitive nature and the special interest of this listed building.
2. It is contrary to the relevant provisions of the Development Plan and that there are no material considerations apparent which justify setting aside the Development Plan.
3. We have a communal bench located outside the main entrance, a widely used amenity, which is within the audio and video scope of this camera and I strongly feel this does encroach on our personal privacy.
4. I note that Flat 4 is now on the market for sale.. I hope this will be a time to deny this application and return the building to its former position.

Yours

faithfully,

Douglas

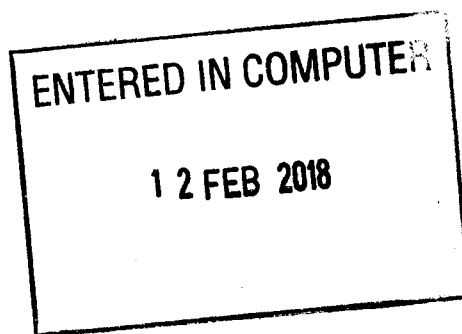
Pearson,

[REDACTED]

[REDACTED]

[REDACTED]

- 5.
- 6.





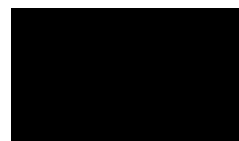


18/00126/FLL

18/00107/LBC

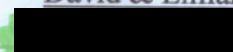


Planning & Development  
Perth & Kinross Council  
35 Kinnoull Street  
Perth  
PH1 5GD



12<sup>th</sup> February 2018

David & Lillian Donaldson



Dear Planning Department

I wish to object to Planning Application Numbers



and



The CCTV Cameras and cabling is unsightly and is intrusive on the stonework to the front of the building and also very prominent to the right hand side of the main door and this has an adverse impact on the visual amenity and is out of place on the Ashlar flat stone.

The owners of Flat 4 never discussed with any of the owners about the CCTV cameras.

I have owned 3 flats since



and there has never

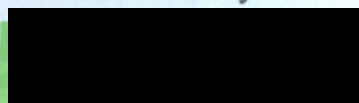
been any trouble or police attendance required in 20 years.

The owners and tenants use the bench seat in the area in front and side of the main door where the camera and audio points in that direction, which is encroaching on the personal privacy.

Should it be passed, it would leave it open for other owners in the future to do the same at the front of the building.

I wish it be removed and all stonework be professionally repaired.

Yours faithfully



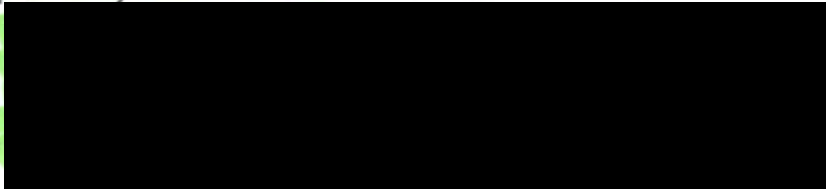
David & Lillian Donaldson







TO : DEVELOPMENT QUALITY MANAGER  
PERTH & KINGS CROSS COUNCIL  
14-2-18

FROM: Mr & Mrs R. Currie,  


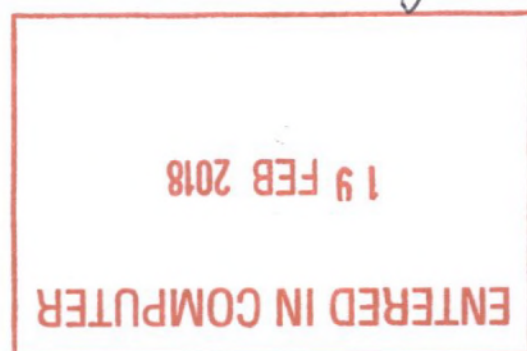


SUBJECT: Letter of comment re application  
ref number 18/00126/FLL

We have lived at above address for  
over 23 years and wish to object to the  
installation of this CCTV camera and  
associated wiring. It is fixed in a  
prominent location, adjacent to the main  
entrance, totally out of place on this  
listed building.

We also use the area outside the main  
entrance as an amenity - extensive use of  
the communal bench. This is covered  
by this camera, audio and video and  
feel it is an intrusion on our privacy.

Yours faithfully,  





## **Louvain Pentley**

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**From:** Lucy Irvine [REDACTED]  
**Sent:** 15 February 2018 12:09  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to 18/00126/FLL

Dear Development Quality Manager,

We write to object to the retrospective planning application for installation of CCTV Camera on 9/4 St Leonard's Bank, PH2 8EB.

As the location of these cameras with audio recording are positioned within a communal area, we consider them to be a gross violation of our privacy, and would feel unable to use these spaces in a relaxed manner. They appear extremely excessive. Furthermore, we were not consulted or given any warning prior to the installation of these devices and understand that the property is for sale.

Yours sincerely,  
Lucy Irvine and Ewan Crighton

Sent from my iPhone

ENTERED IN COMPUTER

15 FEB 2018





## Tracy McManamon

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**From:** [REDACTED]  
**Sent:** 18 February 2018 17:13  
**To:** Development Management - Generic Email Account  
**Subject:** Letter of comment for Planning Application Reference: 18/00126/FLL

**Importance:** High

Dear Sir/Madam,

I am writing to advise of my objection to Planning Application Reference: 18/00126/FLL for the reasons detailed below:-

1. The CCTV system with audio facility is an invasion of all the residents privacy as the camera is directed 'outwards and away from' flat number four. There are five other properties which this affects. The camera is positioned in such a way that nearly all the communal grounds are 'captured' by the system which constitutes an intrusion into the privacy of all residents. This is in direct contrast to the customary positioning of other domestic cctv systems whereby the cameras are typically positioned to protect a property. The audio system is an additional and unnecessary facility.
3. All of the communal parking areas, the communal door entrance to the main building and three other properties, the communal gardens and seating areas, the communal laundry drying area, the communal pedestrian gate from the South Inch and the communal bin areas are all 'captured' by the cctv camera with audio facility. This has resulted in myself and my family, friends and visitors feeling reluctant to use any of these communal areas.
4. All residents and their families, friends and visitors should feel that they can use and enjoy the communal grounds and gardens without their movements being watched, monitored and recorded and their private conversations listened to and recorded. This also applies to all the communal parking areas.
5. The cctv system camera with audio facility has been mounted on to the front elevation of the main building which is a 'Listed Building'. This detracts from the architecture and character of the main building.

Yours faithfully,

Ms. McGowan  
[REDACTED]

ENTERED IN COMPUTER

19 FEB 2018

This message and the information it contains are confidential and may contain legally privileged information. Any unauthorised use, disclosure or copying of this email, or any information it contains, is strictly prohibited and may be unlawful. If you have received this email in error, please advise the sender immediately by using the reply facility in your email software and remove this email from your system. Email is not secure and can be intercepted and amended. We do not accept any liability for any changes to this email after it was sent or any viruses transmitted through this email or any attachment. It is your responsibility to scan attachments.



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** Linda El-Miligy [REDACTED]  
**Sent:** 16 May 2018 14:34  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(531)

Dear Ms Taylor

Re Your Ref 11/00126/FLL

May I continue to strongly object to the continuing use of a camera and recording equipment at the premises of 9 St Leonards bank PH2 8EB

This camera and recording equipment is still in use and I strongly object to being filmed and my private conversations being recorded.

I have great nephews and nieces aged from 6 months to 5 years and their parents all strongly object to their children being filmed. They would like to ask why the owner of Flat 4 is still being allowed to film their children? This is the third time we have been asked about this.

The local council have a duty of care to their residents

*The scope, range and field of vision of the cctv camera and associated microphone is such that it monitors and records extensive areas of communal amenity space, resulting in an infringement of privacy which significantly adversely impacts residential amenity.*

May I politely request that Perth & Kinross Council uphold my right to privacy and have the camera and recording equipment removed immediately, as this has been ongoing for months.

Your sincerely  
Linda El-Miligy

[REDACTED]





## CHX Planning Local Review Body - Generic Email Account

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**From:** scottty perth [REDACTED]  
**Sent:** 16 May 2018 08:55  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16(531) Review

Subject: Review of Planning Application Ref:  
18/00126/FLL  
Pearson

From: Douglas

To: Perth and Kinross Local Review

Body

I am writing

to make further representation in relation to the above application.

I note that in the Notice of Review the applicant is now seeking 'Temporary' permission for one CCTV Camera (with audio)(already installed and fully operational).This is a digression from the original application which the Planning Authority refused.This 'Temporary' permission if granted could be in place for years.As stated the flat has been 'on the market' since August last year. This flat was sold just over one year ago for [REDACTED] and the asking price is now offers over [REDACTED]!

With regard to the Reasons for retaining the Camera (those of which I have access to) I would point out that neither the applicant nor her husband have, to this date, ever resided at Flat4, 9 St Leonards Bank.

I would also draw attention to the submitted Document to Planning on 19/3/18. Drawing- Scope of CCTV 18/00126/3. The Camera Splay of the Camera does not in fact cover in any way the main window of Flat4. It does , however,cover the Communal Main Door of our building which is secured by a lock entry system, accessible only by owners , occupiers of Flats 3, 4 5, and 6. It also covers much of the communal car park-including the area where I have customarily parked for over 12 years. It also covers most of the communal garden.

I think it is significant that all the other owners/occupiers at 9, St Leonards Bank made objection to the original application, reiterating the original planning reason for refusal...' infringement of privacy which significantly adversely impacts residential amenity'.

[REDACTED]  
[REDACTED]  
[REDACTED] The Camera is still fully operational and almost certainly being viewed and monitored from a remote location.It has and continues to cause me great anxiety.

I sincerely hope that you will uphold the original refusal so that I may return to enjoy the peace and outside amenities at 9, St Leonards Bank,

Yours Sincerely,  
Douglas Pearson,

### NOTE

This document contains sensitive personal data which the Council cannot publish. The full document will be submitted to the members of the Local Review Body.



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** David Donaldson [REDACTED]  
**Sent:** 21 May 2018 11:04  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Planning review tcp/11//16 (531)

Dear review body I wish to object to the cc camera at flat 4 . I renovated the building into 6 flats and I still own flats 1-2 and 3 Which are rented to professional people. In all my time there has never been any problems that required police attendance.

On the installation of the cameras the firm that did the work has destroyed a lot of the "ashler stonework and in my professional Opinion will not repair successfully.

I hope you are in a position to draw her attention to this.

All my tenants have written to me regarding the scope of this Camera which has audio as well and said they will have to consider moving house as they find it very disturbing and are reluctant to use the beautiful garden we have there.

I hope there is a refusal and the camera can be switched of immediately so we can get the use of garden

Yours faithfully David and Lillian Donaldson



Dear Sir/Madam,

With regards to the application reference TCP/11/16(531) i wish to make further representation as follows:-

The CCTV cameras at the self-contained property known as Flat 2, 9 St. Leonard's Bank were installed with the owners and other residents consent and upon the advice of Police Scotland. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It should also be noted that the cameras at flat number 2, point inwards towards the windows, doorway and front door of flat number 2 and also - previously vandalised - residents vehicles. Unlike the applicants camera(s), the cameras at flat 2 do not point towards or deliberately capture any areas of significant communal grounds or communal residents amenities. They do not impose upon any residents privacy in any way.

Unlike the applicants camera(s), the cameras at flat 2 have also been carefully installed where as to cause the least visible impact upon the property as possible, including the cables and camera positioning. This does not detract from the beauty of the buildings and grounds in any way. Flat 2 is also a self-contained property and a more recent addition which does not form part of the original house.

Furthermore, Perth and Kinross council has almost certainly not 'turned a blind eye' in this regard.

All the owners and residents should be able to enjoy the communal grounds and amenities without being stalked, monitored and viewed by the applicants camera(s) and her remote viewing applications on her mobile and electronic devices.

Until the applicants application and review is refused and subsequently the camera is removed, myself, my family, my friends and the other residents and owners can not enjoy these communal grounds and amenities as the scope of the applicant's camera covers the communal front door and entrance of the main house, the communal and residents vehicle parking areas, the laundry drying area, the grass lawns, the flower bed areas, the rear entrance gate onto the South Inch Parklands and the communal refuse bin areas.

This is an infringement of the residents and owners privacy and is contrary to the local plan.

This has caused a great deal of stress and anxiety for the residents and owners, whom previous to the applicant and her new husband's purchase of the property, enjoyed peaceful and harmonious lives at 9 St. Leonard's Bank in a crime-free area.

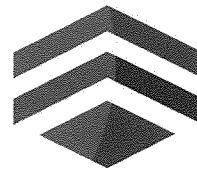
We hope and trust that the decision to remove the applicants camera will be made so that the residents and owners can return to our peaceful and harmonious lives without our every move and spoken word being continually watched, monitored and recorded.

Yours faithfully,  
A McGowan

**NOTE**

This document contains sensitive personal data which the Council cannot publish. The full document will be submitted to the members of the Local Review Body.





# BSS

Unit 2  
Riverview Business Park  
Friarton Road  
Perth  
PH2 8DF

To Whom it may Concern,

**RE: Flat 4, 9 St. Leonards Bank, Perth, PH2 8EB C/O: Mr & Mrs N Ward**

With regards to the above-mentioned property, Bonthrone Security Service Ltd fitted a 3 camera CCTV system in 17<sup>th</sup> July 2017.

At the time of the Install this was set up as a stand-alone system, the system has no function for any remote viewing as there is not an internet router onsite or nor is the DVR network compatible.

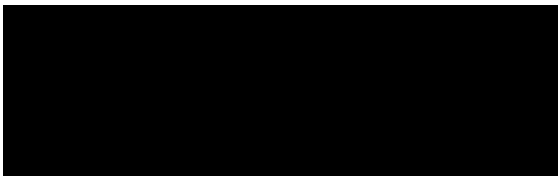
Without an internet connection or programming set up by our company, remote viewing of the CCTV at St. Leonards bank is not possible.

Furthermore, early February 2018 – we were requested by our customer to go back out and remove 2 CCTV cameras, which we duly did.

As it stands, this property now has a 1 camera, stand-alone CCTV system on site.

Should you have any further question on this matter, please don't hesitate to contact us where we will be happy to help.

Regards



Bonthrone Security Service



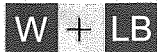




**Submissions were made by the applicant, in response to representations, on 12 June and 27 June 2018.**

**These submissions contain sensitive personal data which the Council cannot publish. The full submissions will be presented to members of the Local Review Body.**





SOLICITORS

NOTARIES

ESTATE AGENTS

**Watson + Lyall Bowie**

*Received in  
Community Planning 3/7/18.  
(Redirected to Planning via internal mail)*

Union Bank Building  
Coupar Angus  
Perthshire PH13 9AJ

**Telephone 01828 628395**

TCP/11/16(531)

Your Reference

W384/3/KL

Our Reference

Kevin Lancaster

Contact

29<sup>th</sup> June 2018

Date

Perth & Kinross Council,  
Local Review Body,  
Council Building,  
2 High Street,  
PERTH.  
PH1 5PH

RECEIVED

04 JUL 2018

Dear Sirs,

**Mr. V. Ward**

**Planning Application Reference 18/00126/FLL**

**Installation of CCTV Camera at Flat 4, 9 St. Leonard's Bank, Perth, PH2 8EB**

We act on behalf of our above client who has passed to us your letter of 20<sup>th</sup> June with enclosures and asked us to respond on her behalf in relation to the representation received from Amanda McGowan.

[REDACTED]

[REDACTED] Mrs. Ward is no longer attending the property, however, Mr. Ward does so on an occasional basis in order to check on the property. [REDACTED]

It is understood that the scope of the camera covers the communal car parking area to the top of the steps leading to the garden. This area is used by residents for parking and entering the property. Its presence does not infringe unnecessarily or unreasonably on the neighbours' conduct. We understand the camera does not record audio. We are advised that your enforcement officer, Mr. Rennie, has visited the property and presumably can verify this.

We are also advised that the camera was deliberately installed in a location to be as unobtrusive as possible and certainly appears to be less obtrusive than the security lighting which has been erected at the property. It is noted that a number of CCTV cameras have been installed on the exterior of flat 2. It is understood that no planning consent was obtained for this. It is understood that the planning officer has advised Mrs. Ward that the council do not intend to require the occupier to obtain planning consent.

It is understood that the owners and residents continue to enjoy and use the communal grounds and have been regularly observed doing so.

**Partners**

Kevin E Lancaster LLB, Dip, NP

Alison M Hodge LLB, Dip, NP

Facsimile 01828 627147

Email [legalservices@wandlb.co.uk](mailto:legalservices@wandlb.co.uk)

LP1 Coupar Angus

[www.watson-lyall-bowie.co.uk](http://www.watson-lyall-bowie.co.uk)

It is also understood that assertions have been made that our client can somehow remotely view the camera footage. That is denied.

The property remains unoccupied and likely to do so until it is sold. The presence of the camera provides some security against vandalism as well as providing protection for Mr. Ward as stated above. In the circumstances it is appropriate and reasonable that temporary consent should be allowed for the presence of the camera for such period of time as may be required in order to enable the property to be sold.

Kindly confirm receipt.



**NOTE**

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