

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 4 June 2013 at 10.00am.

Present: Councillors M Lyle, I Campbell and C Gillies.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: K Stirton and M Barr (both The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

329. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

330. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 7 May 2013 was submitted, approved as a correct record and authorised for signature.

331. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(241)**
Planning Application 12/02093/IPL – Erection of a dwellinghouse (in principle) on land 110 metres north west of Quilts Farm, Dunning – Mr A Greenlees

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 110 metres north west of Quilts Farm, Dunning.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the erection of a dwellinghouse (in principle) on land 110 metres north west of Quilts Farm, Dunning be refused for the following reasons:

1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995, in failing to satisfy any of the associated criteria for Housing in the Countryside.
2. The proposal is contrary to the Council's adopted Housing in the Countryside Guide 2012 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site; it is not an infill site; it does not meet the requirements of new houses in the open countryside; it does not involve the conversion or replacement of redundant non-domestic buildings of traditional form and construction nor does the site constitute rural brownfield land.

Justification

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

(ii) TCP/11/16(242)

Planning Application 12/01981/FLL – Erection of a dwellinghouse on land 20 metres east of 44 Coltward Holding, Campmuir, PH13 9LN – Mr and Mrs L Fergusson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse on land 20 metres east of 44 Coltward Holding, Campmuir, PH13 9LN.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the erection of a dwellinghouse on land 20 metres east of 44 Coltward Holding, Campmuir, PH13 9LN be refused for the following reasons:

1. The proposal is contrary to Policies 2 and 38 of the Eastern Area Local Plan (1998) in failing to suitably meet the associated criteria of development, including scale, form, colour and density of existing development. The development would result in a

- loss of visual amenity and character to the existing dwelling plot by virtue of its siting, design and scale.
2. The proposal is contrary to Policy 49 of the Eastern Area Local Plan (1998), HICP Guide (2012) and Policy RD3 HICP of the Proposed Local Plan (2012) in failing to fully meet and satisfy associated policy criteria of development within a building group. In particular, the proposal fails to respect criteria m 'For All Proposals' and sub-criteria 1 – Building Groups.
 3. The proposal is contrary to Policy PM1A and Policy PM1B of the Proposed Local Plan (2012) in failing to fully satisfy all of the associated policy criteria. In particular, the proposal does not appropriately reflect the scale, position and design of the existing residential dwelling and would consequently adversely compromise the setting and character of the existing dwelling and the wider building group.

Justification:

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

**(iii) TCP/11/16(243)
Planning Application 12/01396/FLL – Installation of a biomass boiler and flue (in retrospect) at Tayside Hotel, 51-53 Mill Street, Stanley, PH1 4NL – Mr W Twaddle**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of a biomass boiler and flue (in retrospect) at Tayside Hotel, 51-53 Mill Street, Stanley, PH1 4NL.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that there was insufficient information before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

- (i) the applicant/agent be requested to provide further information regarding either the outcome of an appeal against an abatement notice, issued in terms of the Environmental Protection Act 1990, to the Local Review Body (with the Appointed Officer being permitted to comment if appropriate thereafter) or if, in the opinion of the Clerk, this cannot be done within a reasonable timescale, an update on the progress of that appeal;
- (ii) following the receipt of the further information, the application be brought back to a future meeting of the Local Review Body.

(iv) TCP/11/16(244)
Planning Application 13/00244/FLL – Alterations and extension to dwellinghouse at 40 Mavisbank Gardens, Perth, PH1 1HY – Mr G Whyte

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the alterations and extension to dwellinghouse at 40 Mavisbank Gardens, Perth, PH1 1HY.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Review Application for alterations and extension to dwellinghouse at 40 Mavisbank Gardens, Perth, PH1 1HY be refused for the following Reason 1 and an amended Reason 2:

1. The proposal by way of its excessive scale, unsympathetic design and dominant visual massing is detrimental to the visual amenity of the dwellinghouse and therefore unacceptable. It is therefore contrary to Policy 41 of the adopted Perth Area Local Plan 1995 Incorporating Alteration No. 1 – Housing Land 2000 and Policy RD1 of proposed Local Development Plan 2012, both of which seek to retain and where possible improve existing residential amenity.
2. The proposal would result in an unsympathetic over-development and extension of the roof space and would contribute to forming a two storey flat roofed appearance, to the detriment of the visual amenity of the house. Approval would therefore be contrary to the Perth and Kinross Council Placemaking Guide, which seeks to ensure that dormer windows are not over-dominant.

Justification

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

Note: Councillor C Gillies considered that the proposal is not contrary to (i) Policy 41 of the adopted Perth Area Local Plan 1995 Incorporating Alteration No. 1 – Housing Land 2000 and Policy RD1 of proposed Local Development Plan 2012, as the scale, design and visual massing is not detrimental to the visual amenity of the

dwellinghouse; and (ii) the Perth and Kinross Council Placemaking Guide as it will not result in an unsympathetic over-development of the roof space, to the detriment of the visual amenity of the house.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(v) TCP/11/16(245)
Planning Application 13/00165/IPL – Erection of a dwellinghouse at Plot 4 (in principle), Kirktonlees, Castleton Road, Auchterarder, PH3 1JS – Mr and Mrs A W and H E Milne

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse at Plot 4 (in principle), Kirktonlees, Castleton Road, Auchterarder, PH3 1JS.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

- (i) an unaccompanied site visit be arranged;
- (ii) following the unaccompanied site visit the application be brought back to a future meeting of the Local Review Body.

(vi) TCP/11/16(246)
Planning Application 12/02068/FLL – Alterations and extension to dwellinghouse at 26 Coltward, Campmuir, Blairgowrie, PH13 9JF – Mr and Mrs D Martin

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the alterations and extension to dwellinghouse at 26 Coltward, Campmuir, Blairgowrie, PH13 9JF.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for alterations and extension to dwellinghouse at 26 Coltward, Campmuir, Blairgowrie, PH13 9JF be refused for the following reason:

1. The proposed design is contrary to Policy 71 of the Eastern Area Local Plan 1998; as the scale, form and design of the development is incongruous with the character of the existing property and properties within the surrounding area, to the detriment of visual 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.

Informative

The drawings contain a number of inconsistencies notably regarding the floor levels relative to elevations which casts doubt over the exact relationship of the proposal relative to the existing house and adjoining property.

(vii) TCP/11/16(247)

Planning Application 13/00237/FLL – Alterations and extension to dwellinghouse at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ – Mr and Mrs B Roberts

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Review Application for alterations and extension to dwellinghouse at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ be upheld subject to the imposition of appropriate conditions, including conditions relating to the use of natural stone and slate and a conservation-style rooflight.

Justification

Councillors M Lyle and I Campbell considered that the proposal was not contrary to (i) Policies 2 and 5 of the Strathearn Area Local Plan 2001 as, in their opinion, the proposed extensions would not detract from the appearance of the existing dwellinghouse and (ii) Policies, 2, 5 and 66 of the Strathearn Area Local Plan 2001 as, in their opinion, the development will not appear oppressive as viewed from neighbouring properties and will not increase the potential to overlook and overdevelop the plot to the detriment of the amenity of the occupants.

Note: Councillor C Gillies considered that the proposal was contrary to (i) Policies 2 and 5 of the Strathearn Area Local Plan 2001 as, in his opinion, the proposed extensions by reason of their bulk and design would detract from the appearance of the existing dwellinghouse, resulting in an unbalanced and unsympathetic development, out of scale and out of keeping with the character and appearance of the existing dwellinghouse and surrounding area; and (ii) Policies 2, 5 and 66 of the Strathearn Area Local Plan 2001 as, in his opinion, the development by reason of its scale, location and proximity to boundaries will appear oppressive as viewed from neighbouring properties and will increase the potential to overlook and overdevelop the plot to the detriment of the amenity of the occupants.

FOLLOWING A SHORT ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

(viii) TCP/11/16(248)

Planning Application 13/00146/IPL – Demolition of dwellinghouse and erection of dwellinghouse (in principle) at site of Burnhead, Stanley – Zurich Assurance Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the demolition of dwellinghouse and erection of dwellinghouse (in principle) at site of Burnhead, Stanley.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the demolition of dwellinghouse and erection of dwellinghouse (in principle) at site of Burnhead, Stanley be upheld subject to the imposition of appropriate conditions, including (i)

the inclusion of an appropriate condition to provide a watching brief to deal with potential contamination of the land; and (ii) conditions relating to the re-use of the original stone in the proposed house; the provision of a landscaped structural plan; and preservation and reinstatement of core paths.

Justification

Councillors Lyle, Campbell and Gillies considered that the proposal was not contrary to (i) Policy 1 of the Perth Area Local Plan 1005 (Incorporating Alteration No. 1, Housing Land 2000); (ii) Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000); (iii) the Council's Housing in the Countryside Guide (2012); and (iv) the Council's Housing in the Countryside Guide (2012) Policy RD3: Housing in the Countryside of the proposed Local Development Plan 2012.

(ix) TCP/11/16(249)
Planning Application 12/01745/IPL – Erection of a dwellinghouse (in principle) at Balneathill House, Easter Balgedie, Kinross, KY13 9HQ – Mr P Foniciello

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) at Balneathill House, Easter Balgedie, Kinross, KY13 9HQ.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Review Application for the erection of a dwellinghouse (in principle) at Balneathill House, Easter Balgedie, Kinross, Ky13 9HQ be refused for Reasons 1 and 2 only but not for Reason 3:

1. The proposed new dwellinghouse is in close proximity to Balneathill Farm which is a working farm and as such would be subjected to noise odours and dust at various times of the year which would have an adverse affect on the residential amenity of a dwellinghouse in this location.
2. The proposed siting of a dwellinghouse in this location in close proximity to the adjacent Balneathill Farm will prejudice the working practices of this farm, contrary to Policy 50 of the Kinross Area Local Plan 2004.

Justification

The proposed dwellinghouse by virtue of its proximity to a working farm will have an adverse impact on the residential amenity of the occupiers of the development and will prejudice farming practices.

Note: Councillor M Lyle considered that the proposal is not contrary to Policy 50 of the Kinross Area Local Plan 2004 in that (i) it would not have an adverse affect on the residential amenity of a dwellinghouse in this location; (ii) the proposed siting of a dwellinghouse in this location in close proximity to the adjacent Balneathill Farm would not prejudice the working practice of the farm; and (iii) the access would not compromise visibility or be detrimental to road safety.

- (x) **TCP/11/16(250)**
Planning Application 13/00096/FLL – Modification of existing consent (12/01759/FLL) for the replacement of boundary wall at site of former Birchgrove, Castleton Road, Auchterarder – Mr T Kane

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the modification of existing consent (12/01759/FLL) for the replacement of boundary wall at site of former Birchgrove, Castleton Road, Auchterarder.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

- (i) the applicant/agent be requested to provide samples of the materials approved under planning permission 12/01759/FLL and proposed to be used for the replacement of the boundary wall, such samples to be made available to members and officers at the site visit;
- (ii) an accompanied site visit be arranged;
- (iii) following the accompanied site visit the application be brought back to a future meeting of the Local Review Body.

332. DEFERRED APPLICATIONS FOR REVIEW

Written Submission and Unaccompanied Site Visit

- (i) **TCP/11/16(224)**
Planning Application 12/01353/FLL – Erection of a dwellinghouse on land 1140 metres east of Wester Deuglie Farm, Glenfarg – Mr and Mrs T Esparon

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse on land 1140 metres east of Wester Deuglie Farm, Glenfarg.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review. Photographs of the site in question were also available.

It was noted that, at its meeting on Tuesday 5 February 2013, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager be requested to provide further information to the Local Review Body on the Appointed Officer's assessment of the proposal regarding;
 - (a) the scale, design and massing of the proposed dwellinghouse; and
 - (b) potential for landscaping;
- (iii) the Development Quality Manager's information be forwarded to the applicant who would be given fourteen days in which to respond in accordance with the Local Review Body regulations;
- (iv) an unaccompanied site visit be arranged;
- (v) following the unaccompanied site visit and receipt of the further information and any response from the applicant, the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that having regard to the material before the Local Review Body; the written submission by the Appointed Officer, received 28 March 2013; the agent's response to the written submission, received 9 April 2013; and their own assessment from their unaccompanied site visit on 27 May 2013, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the erection of a dwellinghouse on land 1140 metres east of Wester Deuglie Farm, Glenfarg, be upheld subject to the conclusion of a Section 75 Agreement or payment of a

contribution towards primary school education provision before the issuing of the decision notice which imposes appropriate conditions, including (i) a landscaping plan; (ii) the removal of permitted development rights; and an informative with regard to access requirements in view of the proximity of the BP Forties pipeline.

Justification

Councillors Lyle, Campbell and Gillies considered that, in their opinion, the proposal was not contrary to (i) Policy 32 of the Perth Area Local Plan; or (ii) the Council's Guide on Housing in the Countryside (2012) as it does comply with the requirements of category (6) Rural Brownfield Land.

(ii) TCP/11/16(234)
Planning Application 12/01522/FLL – Erection of farm worker's cottage on land 130 metres north of Corryvechter House, Crieff

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of farm worker's cottage on land 130 metres north of Corryvechter House, Crieff.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review. Photographs of the site in question were also available.

It was noted that, at its meeting on 9 April 2013, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be arranged;
- (iii) the applicant/agent be requested to provide further information to the Local Review Body (with the Appointed Officer being permitted to comment if appropriate thereafter) on:
 - (a) the suitability of the dwellinghouse currently occupied by the stockman/general worker;
 - (b) further explanation by the Scottish Agricultural College (SAC) as to the requirement that a new house needs to be built to accommodate the existing worker; and
 - (c) the justification for the incorporation of agricultural land within the curtilage of the proposed dwellinghouse;
- (iv) following the unaccompanied site visit and receipt of the further information the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that having regard to the material before the Local Review Body; the written submission by the agent, dated 9 May 2013; the Appointed Officer's response to the written

submission, dated 23 May 2013 and their own assessment from their attendance at the unaccompanied site visit on 27 May 2013, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the erection of farm worker's cottage on land 130 metres north of Corryvechter House, Crieff, be refused for the following reasons:

1. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not involve the renovation or replacement of traditional domestic or non-domestic buildings nor is there operational need and it would result in the extension of development into site not defined by surrounding topography, landscape features or field boundaries.
2. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute infill development, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land. Furthermore, the proposal does not comply with the requirements of the building groups part of the policy in that the site does not lie within a group nor is it the extension of a building group onto a definable site as the site is not defined by topography or well established landscape features.
3. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing or screening the development, regard be had to the form of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The site has no established landscape framework which is capable of absorbing the impact of the proposed development.

Justification

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