

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
27 MAY 2014

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 27 May 2014 at 10.00am.

Present: Councillors M Lyle, D Cuthbert and J Giacomazzi

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

Also Attending: P Robertson (Senior Solicitor, Governance), S Van der Ruit (Senior Improvement Officer), J Buchanan (Legal Services Manager, Governance) and F Brown, (Committee Officer) (all Aberdeenshire Council); C Brien and G Mitchell (both The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

362. DECLARATIONS OF INTEREST

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

363. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 29 April 2014 was submitted and noted.

364. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(297)
Planning Application 13/02024/FLL – Demolition of dwellinghouse and erection of 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross – Wilson Homes (Kinross) 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 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross.

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

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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 permission for the demolition of dwellinghouse and erection of 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross be refused, for the following reason, namely:

1. Notwithstanding the quality of the proposed external materials, the proposed building, by virtue of its scale, massing, form, design and prominence would adversely affect neighbouring residential amenity, notably No 23 Sunnypark, and have a significant impact on the character and amenity of the surrounding area and open space. As such the development would conflict with the objectives of Policies PM1 A, PM1B (c) and RD1 (a) and (c) of the Perth and Kinross Council Local Development Plan 2014.

Justification

The proposal is not in accordance with the Perth and Kinross Council Local Development Plan 2014 and there are no material reasons which justify departing therefrom.

Note: Councillor Giacomazzi dissented from the majority view. He considered that the proposal is not contrary to Policies PM1A and B or RD1 of the Perth and Kinross Council Local Development Plan 2014 in that it would not adversely affect neighbouring residential amenity or have a significant impact on the character and amenity of the surrounding area.

- (ii) **TCP/11/16(298)**
Planning Application 13/01901/IPL – Erection of replacement dwellinghouse, change of use of horsemill to form part of dwellinghouse and erection of detached double garage, Horsemill Cottage, Craigend, Perth, PH2 8BY – Mr David and Mrs Samantha Greer

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of replacement dwellinghouse, change of use of horsemill to form part of dwellinghouse and erection of detached double garage, Horsemill Cottage, Craigend, Perth, PH2 8BY.

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

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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 permission for the erection of replacement dwellinghouse, change of use of horsemill to form part of dwellinghouse and erection of detached double garage, Horsemill Cottage, Craigend, Perth, PH2 8BY be upheld, and planning permission granted subject to suitable conditions, including addressing potential contamination and an education contribution and an informative confirming that the decision does not extend to the proposal submitted.

Justification

The proposal is in accordance with the Perth and Kinross Council Local Development Plan 2014.

Note: Councillor D Cuthbert dissented from the majority view. He considered that the proposal is contrary to Policy NE5 of the Perth and Kinross Council Local Development Plan 2014 in that it would amount to a new house in the greenbelt and will not detract from the character of the greenbelt.

(iii) TCP/11/16(299)
Planning Application 14/00133/FLL – Alterations and extension to dwellinghouse, Long Mile, Muirton, Auchterarder, PH3 1ND – Mrs C Wilson

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, Long Mile, Muirton, Auchterarder, PH3 1ND.

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 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 permission for alterations and extension to dwellinghouse, Long Mile, Muirton, Auchterarder, PH3 1ND be refused, for the following reasons, namely:

1. The proposed extension, by virtue of its proportions, cumulative massing and unsympathetic design, is not considered to be compatible with the existing house. Approval would have an adverse impact on the visual amenity of the area, to the

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detriment of the established village character and contrary to Policy RD1(a) and (c) of the Perth & Kinross Council Local Development Plan 2014.

2. The proposed development is contrary to Policies PM1A and PM1B (c) of the Perth and Kinross Council Local Development Plan 2014, as it does not contribute positively to the character of the surrounding built environment, nor does it complement its surroundings in terms of appearance, massing or established building line of the parent house.
3. The proposed extension, by virtue of its proportions, cumulative massing and unsympathetic design, is not considered to be compatible with the existing house. Approval would therefore be contrary to the Perth and Kinross Council Placemaking Guide, which seeks to secure a satisfactory standard of design in built developments.

Justification

The proposal is not in accordance with the Perth and Kinross Council Local Development Plan 2014 and there are no material reasons which justify departing therefrom.

Note: Councillor Cuthbert dissented from the majority view. He considered the proposal did not conflict with Policies RD1, PM1A, PM1B of the Perth and Kinross Council Local Development Plan 2014 nor Perth and Kinross Council's Placemaking Guide and would secure a satisfactory standard of design.

**(iv) TCP/11/16(300)
Planning Application 13/02304/FLL – Erection of 8
dwellinghouses, land 30 metres north of 7 Errol Road, Invergowrie
– Chamberlain Bell**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 8 dwellinghouses, land 30 metres north of 7 Errol Road, Invergowrie.

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:

- (i) 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.
- (ii) the Review Application for permission for the erection of 8 dwellinghouses, land 30 metres north of 7 Errol Road, Invergowrie be refused, for the following reasons, namely:

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1. The proposed development fails to comply with Policies PM1A and PM1B(a) and (c) and RD1(a) and (c) of the Perth and Kinross Council Local Development Plan 2014 in failing to accord with the existing character and amenity of the area or contribute successfully to the quality of the surrounding built environment.
2. The proposed development is contrary to Policy RD1 (a) and (c) of the Perth and Kinross Council Local Development Plan 2014, through the proposed layout offering an unacceptable degree of residential amenity to its future occupiers (by virtue of restricted private amenity space) failing to demonstrate that a reasonable standard of residential amenity can be achieved for the proposed housing.
3. The proposed development is contrary to Policy 2 of TAYPlan 2012 through failing to ensure that the arrangement, layout, design, density and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets.

Justification

The proposal is contrary to the Perth and Kinross Council Local Development Plan 2014 and there are no material reasons which justify departing therefrom.

**(v) TCP/11/16(301)
Planning Application 13/02264/FLL – Demolition of garage and
erection of a dwellinghouse, Hillview, Cockairney, Cleish, KY13
0LQ – Mr Abraham Reid**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for demolition of garage and erection of a dwellinghouse, Hillview, Cockairney, Cleish, KY13 0LQ.

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 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 permission for demolition of garage and erection of a dwellinghouse,

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Hillview, Cockairney, Cleish, KY13 0LQ be refused, for the following reasons, namely:

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to comply with any of the categories (2) Infill Sites (3) New Houses in the Open Countryside (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings and (6) Rural Brownfield Land. The site is located adjacent to an established building group but the size of the site fails to relate to other plots in the vicinity and the location of the plot also fails to relate to the established linear character and building line of the existing group and approval would be of detriment to the visual amenity and established character of the area. As such, it is also viewed as contrary to the Council's Placemaking Guide by being positioned in a frontland position.
2. The location of the new house and position of an 1800mm high closed boarded timber fence within 4m of the east elevation of Hillview would be of detriment to the residential amenity of Hillview due to loss of outlook. As such the proposal is considered contrary to Policy PM1A and PM1B (d) of the Perth and Kinross Council Local Development Plan 2014 which both seek to protect the residential amenity of the area.
3. The proposal is contrary to Policies PM1A and PM1B(a) and (d) of the Perth and Kinross Council Local Development Plan 2014 in that it fails to contribute positively to the quality of the built environment and its sense of identity, mainly by forming a 'frontland' development which does not respect the building line of the immediately adjoining houses.
4. The proposal is contrary to Policy EP7C of the Perth and Kinross Council Local Development Plan 2014 as no details of the proposed drainage system have been submitted to demonstrate adequate levels of phosphorous mitigation within the Loch Leven Catchment Area can be achieved.

Justification

The proposal is not in accordance with the Perth and Kinross Council Local Development Plan 2014 and there are no material reasons which justify departing therefrom.

Note: Councillor Giacomazzi dissented from the majority view. He considered that the proposal was not contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it is located adjacent to an established building group and is of a modest scale. Further, phosphate mitigation could be conditioned.

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(vi) TCP/11/16(302)
Planning Application 14/00146/IPL – Erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Ardler – Morna Patterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Ardler.

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:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

365. DEFERRED APPLICATIONS FOR REVIEW

Provision of Further Information and Accompanied Site Visit

(i) TCP/11/16(291)
Planning Application 13/02117/IPL – Erection of dwellinghouse (in principle), land at Blashieburn, Vicar's Bridge Road, Blairingone – Mr Colin Maclean

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse (in principle), land at Blashieburn, Vicar's Bridge Road, Blairingone.

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.

It was noted that, at its meeting on 4 March 2014, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) that further information be requested from the Development Quality Manager in respect of a history of site applications and

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previous consents for the site under review and the adjoining land to the north east, with particular reference to boundary issues;

- (iii) following receipt of the requested information, an accompanied site visit be carried out; and
- (iv) following the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body; the further information requested and received and their own assessment from their accompanied site visit that was undertaken on 20 May 2014, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of dwellinghouse (in principle), land at Blashieburn, Vicar's Bridge Road, Blairingone be refused for the following reasons:
 - 1. The proposal is contrary to Policy PM4 of the Perth and Kinross Council Local Development Plan 2014 as it represents built development on land adjoining and outwith the village settlement of Blairingone.
 - 2. The proposal is contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014 and the Housing in the Countryside Guide 2012 as it does not comply with the requirements of category (1) Building Groups, nor can it satisfy any of the other accepted categories of the Policy.
 - 3. The proposal is contrary to Policy EP14 of the Perth and Kinross Council Local Development Plan 2014 as there is insufficient information to establish if there are any risks to the development proposal posed by past coal mining activity.
 - 4. The proposal is contrary to Policy PM1B(b) of the Perth and Kinross Council Local Development Plan 2014 as it does not consider and respect site topography or the wider landscape character of the area.

Unaccompanied Site Visit

- (ii) **TCP/11/16(296) – Planning Application 13/02044/FLL – Erection of a dwellinghouse and detached garage, Easter Balcraig, Murrayshall, Perth, PH2 7PG – Mr David Harris**

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 and detached garage, Easter Balcraig, Murrayshall, Perth, PH2 7PG.

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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 displayed.

It was noted that, at its meeting on 29 April 2014, the Local Review Body resolved that:

- (i) 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;
- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, 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 and their own assessment from their unaccompanied site visit on 20 May 2014, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that the Review Application for permission for the erection of a dwellinghouse and detached garage, Easter Balcraig, Murrayshall, Perth, PH2 7PG be refused, for the following reason:

- 1. The proposal is contrary to Policy NE5 of the Perth and Kinross Council Local Development Plan 2014 in that it falls within the area identified as Green Belt and it does not lie in one of the categories of acceptable development outlined within the Policy.

Note: Councillor Cuthbert dissented from the majority view. He considered that the proposal is not contrary to Policy NE5 of the Perth and Kinross Council Local Development Plan 2014 in that planning permission in principle had previously been granted for the development of a house on this site justifying the grant of planning permission.

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