

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chambers, 2 High Street, Perth on Tuesday 7 March 2017 at 10.30am.

Present: Councillors M Lyle, H Anderson and A Gaunt.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and H Rheinallt (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien, G Peebles and S Panton (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

There were no declarations of interest in terms of the Councillors' Code of Conduct.

### . **MINUTE**

The minute of meeting of the Local Review Body of Tuesday 7 March 2017 was submitted and noted.

### . **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(452) – Planning application 16/01335/FLL – Erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol – Caranova Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in 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, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol be refused for the following reasons:

1. The proposal is contrary to Policies PM1A and PM1B(c), Placemaking, of the Perth and Kinross Local Development Plan 2014. The proposal by virtue of its design, density and siting would not respect the character and amenity of the place.
2. The proposal is contrary to Policy HE3A, New Development in Conservation Areas of the Perth and Kinross Local Development Plan 2014. The design, scale and siting of the development does not preserve or enhance the character of the Errol Conservation Area.
3. The proposal is contrary to Policies RD1(a) and (c), Residential Areas, of the Perth and Kinross Local Development Plan 2014. The proposal by virtue of its design and siting would not improve the character and environment of the area of the village.

### **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(453) – Planning application 16/01532/IPL – Erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside – Mr and Mrs Myles**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in 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, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) The review application for erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside be refused for the following reason:
  1. The proposal is contrary to Policy EP2 of the Perth and Kinross Local Development Plan 2014 which states that there is a general presumption against built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source. The entire application site is located within a category 1, medium to high risk flood risk area (1 in 200 year) and serves as the functional flood plain for Wellsies Burn.

### **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(457) – Planning application 16/01664/FLL – Change of use from open space to garden ground and formation of vehicular access at 37 and 38 Potterhill Gardens, Perth, PH2 7EB – Mr D Bonthron**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer for change of use from open space to garden ground and formation of vehicular access at 37 and 38 Potterhill Gardens, Perth, PH2 7EB.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

### **Decision:**

- (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) the applicant be requested to provide information with regards to whether there are any underground services at the application site;
- (iii) the applicant be requested to provide further clarification on both the existing gradient of the site and proposed gradient of the proposal;
- (iv) following receipt of the further information, it be submitted to the Development Quality Manager for comment;
- (v) following receipt of all further information and comments, an unaccompanied site visit be carried out;
- (vi) following the site visit, the application be brought back to the Local Review Body.

**(iv) TCP/11/16(458) – Planning application 16/01922/FLL – Alterations and extension to dwellinghouse and installation of flue at Craighead Cottage, Drum, Kinross, KY13 0PP – Mr and Mrs Gregor**

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 and installation of a flue at Craighead Cottage, Drum, Kinross, KY13 0PP.

The Convener stated that the Perth and Kinross Placemaking Guide would not be taken into account by the Local Review Body in making its decision.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

- (i) 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;
- (ii) the Review application for alterations and extension to dwellinghouse and installation of flue at Craighead Cottage, Drum, Kinross, KY13 0PP be refused for the following reason:
  - 1. The proposed extension, by virtue of its scale, form, massing, proportions and awkward relationship with the existing house, would dominate, overwhelm and unbalance the character and appearance of the existing bungalow, resulting in a detrimental impact on visual amenity. Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the built environment by complementing its surroundings in terms of design and appearance.

**Justification**

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

**(v) TCP/11/16(459) – Planning application 16/01494/IPL – Residential development (in principle) on land South of 43 Glengarry Road, Glengarry Road, Perth – Ms L Stevenson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle) on land south of 43 Glengarry Road, Glengarry Road, Perth.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

- (i) 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;
- (ii) the Review application for residential development (in principle) on land South of 43 Glengarry Road, Glengarry Road, Perth be refused for the following reasons:

1. As the proposal, by virtue of the site's limited size, would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and RD1(a) and (c) of the Perth and Kinross Local Development Plan 2014, which seek (amongst other things) to protect the built character of existing areas from inappropriate developments, and maintain existing visual amenity.
2. As it has not been fully demonstrated that a suitable level of residential amenity can be provided for future residents, the proposal is contrary to Policies RD1(c) and PM1A of the Perth and Kinross Local Development Plan 2014, which both seek (amongst other things) to ensure that a suitable level of residential amenity is provided for new residential developments.

**(vi) TCP/11/16(460) – Planning application 16/01738/FLL – Partial change of use from garden ground to form car sales area (in retrospect) at Orchard House, Old Cleish Road, Kinross, KY13 8DG – Mr D Wylie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for partial change of use from garden ground to form car sales area (in retrospect) at Orchard House, Old Cleish Road, Kinross, KY13 8DG.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

- (i) 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;
- (ii) the Review application for partial change of use from garden ground to form car sales area (in part retrospect) at Orchard House, Old Cleish Road, Kinross, KY13 8DG be refused for the following reasons:
  1. The development is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014 as the sale of vehicles from the site is considered to be an inappropriate use within a residential environment and has an unacceptable impact on the residential amenity of the neighbouring properties.
  2. The development is contrary to Placemaking Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposals fail to contribute positively to the character and amenity of the surrounding area.

### **Justification**

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

## **DEFERRED APPLICATIONS FOR REVIEW**

(i) **TCP/11/16(432) – Planning application 16/00617/FLL – Erection of 4 flats on land at Broadwood View, Auchterarder – Engineering 365 Resourcing Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of four flats on land at Broadwood View, Auchterarder.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 October 2016, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review Body to determine the matter without: (i) clarifying the detail of the balconies and the roof form of the proposal; and (ii) an unaccompanied site visit. That information having been supplied, and an unaccompanied site visit having been carried out on 28 February 2017, the Local Review Body reconvened.

### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, including the further information requested by the Local Review Body at its meeting of 18 October 2016, and having carried out a site visit on 28 February 2017, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of four flats on land at Broadwood View, Auchterarder be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD1(a), Residential Areas, of the Perth and Kinross Local Development Plan 2014 as the development fails to adequately protect existing residential amenity as the development will result in excessive overlooking and overshadowing to neighbouring rear garden ground.
  - 2. The proposal is contrary to Policy PM1A and PM1B(c), Placemaking, of the Perth and Kinross Local Development Plan 2014 as the proposed density, layout and situation of the proposed development does not respect the character and amenity of the place.

### **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(456) – Planning application 16/01405/FLL – Alterations and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL – Mr C McDonald**

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 116 Brahan Terrace, Perth, PH1 2LL.

It was noted that, at its meeting of 7 February 2017, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review Body to determine the matter without an unaccompanied site visit. An unaccompanied site visit having been carried out on 28 February 2017, the Local Review Body reconvened.

### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, and having carried out a site visit on 28 February 2017, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) The review application for alterations and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL be upheld and planning permission granted, subject to the appropriate terms, conditions and informatives, including provision for the revision for the proposed roof form to reflect the shallow pitched hipped roof form illustrated in the Notice of Review papers.

### **Justification**

The proposal was assessed as according with Perth and Kinross Local Development Plan 2014 in terms of Policy RD1 and PM1B(c) of the Perth and Kinross Local Development Plan 2014, as it would have a limited impact on the residential amenity of neighbouring properties. It was considered that the shallow pitched hipped roof would ensure that the proposal would not be of detriment to the level of daylight enjoyed by the neighbouring property 114 Brahan Terrace. The majority of the Local Review Body also took account of the fact that the proposal was very similar to what could be built under permitted development rights.

**Note:** Councillor Lyle dissented from the majority decision. He considered that the proposal was contrary to Policies RD1, Residential Areas, and PM1B(c), Placemaking, of the Perth and Kinross Local

Development Plan 2014 as the proposal would have an adverse impact on the residential amenity of 116 Brahan Terrace and neighbouring properties. Furthermore, he considered that the development would establish a precedent for developments of a similar nature, which would have an adverse impact on the character and amenity of the area.

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