

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 26 July 2016 at 10.30am.

Present: Councillors M Lyle, I Campbell and D Cuthbert.

In Attendance: D Harrison (Planning Adviser) and M Easton (Legal Adviser) and C Irons (Committee Officer) (both Corporate and Democratic Services).

Also Attending: A Taylor (Corporate and Democratic Services); C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Presiding

551. DECLARATIONS OF INTEREST

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

552. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Local Review Body of 28 June 2016 (Arts. 533-535) was submitted and noted.

553. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(409) – Planning Application – 15/02046/FLL – Change of use and extension to garage to form dwellinghouse, garage at Birnam Park, Birnam – Mr, Mrs and Miss Binnie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use and extension to form a dwellinghouse from a garage at Birnam Park, Birnam.

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 change of use and extension to garage to form dwellinghouse from a garage at Birnam Park, Birnam be refused for the following reasons:

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

1. The proposal would result in an intensification of use of the existing private access. This access road is in relatively poor condition, narrow and with difficult geometry and gradients. The intensification of use is therefore detrimental to pedestrian safety including persons using the Birnam Circular Walk.
2. The proposed alterations to the listed boundary to the walled garden would be detrimental to the setting, character and interest of the listed building and the Birnam Conservation Area and is therefore contrary to policies HE2 and HE3A of the Perth and Kinross Local Development Plan 2014.
3. The proposed development sets an unwelcome precedent for similar infill development within the garden ground of nearby properties which would alter the established character and density of this part of the Birnam Conservation Area, and would be contrary to Policies PM1A, PM1B (b) and (c) of the Perth and Kinross Local Development Plan 2014.

Justification

The proposal is not in accordance with Policies HE2, HE3A, PM1A, PM1B (b) and (c) of the Perth & Kinross Local Development Plan 2014 and there are no material planning considerations which would justify departing from the aforesaid Local Development Plan.

(ii) TCP/11/16(411) - Planning Application – 15/02171/IPL – Residential development (in principle) on land at Muckersie Mill, Forgandenny, Perth – Mr D Cantlay

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 at Muckersie Mill, Forgandenny, 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:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) arrangements be made for an unaccompanied site visit to take place, following which, the item will be brought back to a future meeting of the Local Review Body for consideration, which may

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

include a request for further information in relation to land contamination and/ flood risk.

(iii) TCP/11/16(412) – Planning Application – 16/00228/IPL – Erection of a dwellinghouse (in principle) at plot 1, on land 50 metres north of Carsie View, Carsie – Mr N MacLeod

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 50 metres north of Carsie View, Carsie.

The Planning Adviser displayed photographs of this site together with plot 2 (TCP/11/16(413)) with the agreement of the agent, 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 a dwellinghouse in principle on plot 1, land 50 metres north of Carsie View, Carsie be refused for the following reasons:
 - 1. the proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the supplementary guidance set out in the Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (2) - infill sites, specifically in regards to the extent of the gap not being contained between two dwellings, the lack of identifiable boundaries, the lack of an appropriate landscape framework and that the proposal would contribute to ribbon development. It is also considered that the proposal cannot satisfy any of the remaining categories contained within the supplementary guidance.
 - 2. The existing adjacent poultry houses could prevent the achievement of an adequate standard of amenity due to noise and odour nuisance.

Justification

The proposal is not in accordance with policy RD3 of the Local Development Plan 2014 and the associated Supplementary Planning Guidance set out in the Housing in the Countryside Guide 2012. The site (by itself and in conjunction with adjoining sites under consideration) is not considered to form an infill site in this context and is assessed as contributing to ribbon

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

development. There are no material planning considerations which would justify departing from the aforesaid Local Development Plan.

(iv) TCP/11/16(413) – Planning Application – 16/00229/IPL – Erection of a dwellinghouse (in principle), plot 2, on land 30 metres north of Carsie View, Carsie – Mr N MacLeod

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 plot 2, on land 30 metres north of Carsie View, Carsie.

The Planning Adviser had previously displayed photographs of this site together with plot 1 (TCP/11/16(412)) with the agreement of the agent, 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 a dwellinghouse (in principle) at plot 2 on land 30 metres north of Carsie View, Carsie be refused for the following reasons:
 1. the proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the supplementary guidance set out in the Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (2) - infill sites, specifically in regards to the extent of the gap not being contained between two dwellings, the lack of identifiable boundaries, the lack of an appropriate landscape framework and that the proposal would contribute to ribbon development. It is also considered that the proposal cannot satisfy any of the remaining categories contained within the supplementary guidance.
 2. The existing adjacent poultry houses could prevent the achievement of an adequate standard of amenity due to noise and odour nuisance.

Justification

The proposal is not in accordance with policy RD3 of the Local Development Plan 2014 and the associated Supplementary Planning Guidance set out in the Housing in the Countryside Guide 2012. The site (by itself and in conjunction with adjoining

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

sites under consideration) is not considered to form an infill site in this context and is assessed as contributing to ribbon development. There are no material planning considerations which would justify departing from the aforesaid Local Development Plan.

(v) TCP/11/16(414) – Planning Application – 16/00231/IPL – Erection of a dwellinghouse (in principle), plot 3, on land 30 metres south of Carsie View, Carsie – Mr N MacLeod

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 plot 3 on land 30 metres south of Carsie View, Carsie.

The Planning Adviser displayed photographs of this site together with plot 4 (TCP/11/16(415)) with the agreement of the agent, 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 a dwellinghouse (in principle) at plot 3 on land 30 metres south of Carsie View, Carsie be refused for the following reasons:
 1. the proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the supplementary guidance set out in the Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (2) - infill sites, specifically in regards to the extent of the gap not being contained between two dwellings, the lack of identifiable boundaries, the lack of an appropriate landscape framework and that the proposal would contribute to ribbon development. It is also considered that the proposal cannot satisfy any of the remaining categories contained within the supplementary guidance.
 2. The existing adjacent poultry houses could prevent the achievement of an adequate standard of amenity due to noise and odour nuisance.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

Justification

The proposal is not in accordance with policy RD3 of the Local Development Plan 2014 and the associated Supplementary Planning Guidance set out in the Housing in the Countryside Guide 2012. The site (by itself and in conjunction with adjoining sites under consideration) is not considered to form an infill site in this context and is assessed as contributing to ribbon development. There are no material planning considerations which would justify departing from the aforesaid Local Development Plan.

(vi) TCP/11/16(415) – Planning Application – 16/00232/IPL – Erection of a dwellinghouse (in principle), plot 4, on land 60 metres south of Carsie View, Carsie – Mr N MacLeod

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 plot 4 on land 60 metres south of Carsie View, Carsie.

The Planning Adviser had previously displayed photographs of this site together with plot 3 (TCP/11/16(414)) with the agreement of the agent, 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 a dwellinghouse (in principle) at plot 4 on land 60 metres south of Carsie View, Carsie be refused for the following reasons:
 - 1. the proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the supplementary guidance set out in the Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (2) - infill sites, specifically in regards to the extent of the gap not being contained between two dwellings, the lack of identifiable boundaries, the lack of an appropriate landscape framework and that the proposal would contribute to ribbon development. It is also considered that the proposal cannot satisfy any of the remaining categories contained within the supplementary guidance.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

2. The existing adjacent poultry houses could prevent the achievement of an adequate standard of amenity due to noise and odour nuisance.

Justification

The proposal is not in accordance with policy RD3 of the Local Development Plan 2014 and the associated Supplementary Planning Guidance set out in the Housing in the Countryside Guide 2012. The site (by itself and in conjunction with adjoining sites under consideration) is not considered to form an infill site in this context and is assessed as contributing to ribbon development. There are no material planning considerations which would justify departing from the aforesaid Local Development Plan.

(vii) TCP/11/16(416) – Planning Application – 16/00362/IPL – Erection of a dwellinghouse (in principle)s land 20 metres east of Lochend, Scotlandwell – Mr and Mrs I McKenzie

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 20 metres east of Lochend, Scotlandwell.

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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) An unaccompanied site visit be arranged and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

(viii) TCP/11/16(417) – Planning Application – 16/00363/IPL – Erection of a dwellinghouse (in principle) land 30 metres west of Lochend Farmhouse, Scotlandwell – Mr and Mrs I McKenzie

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 30 metres west of Lochend Farmhouse, Scotlandwell.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) An unaccompanied site visit be arranged and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

(ix) TCP/11/16(418) – Planning Application – 16/00011/FLL – Erection of 9 flats on land 30 metres east of 177 High Street, Old Causeway, Kinross – Mr A Neilson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 9 flats on land 30 metres east of 177 High Street, Old Causeway, Kinross.

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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) An unaccompanied site visit be arranged and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

(x) TCP/11/16(419) – Planning Application – 16/00701/FLL – Alterations to dwellinghouse at Lilyoak, Sandy Lane, Scotlandwell, Kinross – Mr D Barbour

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations to the dwellinghouse Lilyoak, Sandy Lane, Scotlandwell, Kinross.

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.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 JULY 2016

Decision:

Resolved 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 alterations to the dwellinghouse Lilyoak, Sandy Lane, Scotlandwell, Kinross be upheld by a majority decision and planning permission granted, subject to the imposition of appropriate conditions relating to the following requirements:
 - (a) The proposed replacement windows 3,4 and 5 shall have an arrangement of astragals to correspond to the existing windows.

Justification

Taking account of the significant alterations and extensions that had been carried out to this building, and its position generally away from public view, it was considered reasonable to grant planning permission due to the limited impact this would have on the character and appearance of the Scotlandwell Conservation Area. Consequently, the proposal is seen as being in accordance with the relevant policies of the Perth and Kinross Local Development Plan 2014.

Note: Councillor I Campbell considered that the proposal was contrary to Perth and Kinross Council Local Development Plan Policies HE3A, PM1A, PM1B (c), and RD1, and the Council's Placemaking Guide in that it would constitute an adverse impact on and further erode, the character and appearance of the Scotlandwell Conservation Area. He did not consider that previous alterations within the Conservation Area (whether consented or not) provided a justification for approval of this proposal.

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