

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
30 JUNE 2015

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 30 June 2015 at 10.30am.

Present: Councillors I Campbell, D Cuthbert, J Giacomazzi and T Gray (for Arts. 439(ii)).

In Attendance: D Harrison (Planning Adviser); C Elliott (Legal Adviser) and P Frazer (Committee Officer) (all Chief Executive's Service).

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

In the absence of the Convener, Councillor J Giacomazzi was unanimously appointed as Convener.

Councillor J Giacomazzi, Convener, Presiding

437. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Art. 439(ii) in terms of the Councillors' Code of Conduct.

438. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 26 May 2015 was submitted and noted.

439. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(356)**
Planning Application 14/02068/FLL – Alterations to dwellinghouse to form replacement balcony, Almond Lodge, 37a Main Street, Almondbank, PH1 3NJ – Ms M Low.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations to dwellinghouse to form replacement balcony, Almond Lodge, 37a Main Street, Almondbank, PH1 3NJ

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:

- (i) having regard to the material before the Local Review Body sufficient information was before the Local Review Body to determine the matter without further procedure;

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Thereafter, resolved by majority decision that:

- (ii) the Review Application for permission for alterations to dwellinghouse to form replacement balcony, Almond Lodge, 37a Main Street, Almondbank, PH1 3NJ be upheld and planning permission granted, subject to the imposition of appropriate conditions including that obscure screening is provided at the sides of the balcony.

Note: Councillor Campbell dissented from the majority view. He considered that the projection of the proposed balcony was too large and would result in over-viewing of neighbouring properties and would also be an incongruous addition to the host building. He considered that a balcony of smaller dimensions may be acceptable.

COUNCILLOR CAMPBELL WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 439(ii), TO BE REPLACED BY COUNCILLOR GRAY.

- (ii) **TCP/11/16(357)
Planning Application 14/02186/FLL – Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF – Mr and Mrs Douthwaite.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF.

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:

- (i) having regard to the material before the Local Review Body sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review Application for permission for variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF be refused for the following reasons:
 - 1. The variation of the occupancy condition to allow holiday letting use could set a precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. Allowing holiday letting on the site fails to relate to the established character of the foreshore area which sees mainly ancillary buildings and garden ground being located on the southside of the public road adjacent to the shore. The proposal is therefore contrary to Policy PM1A of the

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Perth and Kinross Local Development Plan 2014 which seeks to ensure the siting of the development should 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.

*COUNCILLOR CAMPBELL RETURNED TO THE MEETING AT THIS POINT.
COUNCILLOR GRAY LEFT THE MEETING AT THIS POINT.*

(iii) TCP/11/16(358)

Planning Application 15/00297/FLL – Extension to form garage and ancillary accommodation, Middle Third, Tullibardine, Auchterarder, PH3 1NJ – Mr and Mrs Wallace.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for an extension to form garage and ancillary accommodation, Middle Third, Tullibardine, Auchterarder, PH3 1NJ.

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:

- (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;

Thereafter, resolved by majority decision that:

- (ii) the Review Application for permission for an extension to form garage and ancillary accommodation, Middle Third, Tullibardine, Auchterarder be refused for the following reason:
 - 1. The proposals, by virtue of their shape, form, proportions and composition, would overwhelm the existing house and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the house and surrounding area. Approval would therefore be contrary to Perth and Kinross Local Development Plan 2014, Policies PM1A and PM1B (c) and the Perth and Kinross Placemaking Guide, which seek to ensure that development contributes positively to the quality of the surrounding built and natural environment by respecting the character and amenity of the place and by complementing its surroundings in terms of appearance, massing, materials, finishes and colours.

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Note: Councillor Cuthbert dissented from the majority view. He considered that the size of the extension was acceptable as it was not readily visible from the public road and, with additional screening, would improve the site. It would not have an adverse impact on amenity. He considered the proposal was in accordance with the Development Plan.

(iv) TCP/11/16(359)
Planning Application 15/00007/FLL – Alterations to dwellinghouse, 47 Ashgrove, Perth, PH1 1HP – Mr J Tait.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to impose condition 2 on the planning permission, 15/00007/FLL for alterations to dwellinghouse, 47 Ashgrove, Perth, PH1 1HP.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's imposition of condition 2 on the planning permission, 15/00007/FLL 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; and
- (ii) the Review Application for removal of condition 2 on planning permission 15/00007/FLL, alterations to dwellinghouse, 47 Ashgrove, Perth, PH1 1HP be refused for the following reason:
 - 1. Considering the extent of the wall area of the proposed dormer, the requested removal of the requirement to use a finish to match the existing house, and the introduction of a different external finish, would not contribute to maintaining the appearance of the house or the quality of the surrounding built environment and would therefore be contrary to Policy PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014.

Further, Condition 2 be modified as follows:

- 2. Notwithstanding the details shown on the drawings, the dormer extension shall be finished in white dry dash render to match the existing dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason

In the interests of amenity, to enable the design of the original front elevation of the house to accommodate the large dormer extension in a manner which is compatible with, and contributes positively to, the built

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environment of the locality in accordance with Policy PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (v) **TCP/11/16(360)**
Planning Application 15/00060/FLL – Extension to dwellinghouse, Nether Dalkeith Farm, Rumbling Bridge, Kinross, KY13 0PT – Mr D Carmichael.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for an extension to dwellinghouse, Nether Dalkeith Farm, Rumbling Bridge, Kinross, KY13 0PT

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:

- (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; and
- (ii) that the Review Application for permission for an extension to dwellinghouse, Nether Dalkeith Farm, Rumbling Bridge, Kinross, KY13 0PT be upheld and planning permission granted, subject to the imposition of appropriate conditions including clarifying the proposed external materials and minor inconsistencies in the drawings.

- (vi) **TCP/11/16(361)**
Planning Application 14/02187/FLL – Extension to dwellinghouse, 7 Corsie Drive, Perth, PH2 7BU – Mr and Mrs Dewar.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for an extension to dwellinghouse, 7 Corsie Drive, Perth, PH2 7BU.

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:

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- (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) that following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

G PEEBLES AND K STIRTON LEFT THE MEETING AT THIS POINT

AFTER A SHORT ADJOURNMENT THE COMMITTEE RECONVENED

- (vii) TCP/11/16(362)**
Planning Application 15/00001/FLL – Erection of dwellinghouse, land 40 metres south east of Holmwood, Golf Course Road, Blairgowrie, PH10 6LJ – Ms H Gordon Wilson.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse, land 40 metres south east of Holmwood, Golf Course Road, Blairgowrie, PH10 6LJ.

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:

- (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; and

Thereafter, resolved by majority that:

- (ii) the Review Application for the erection of dwellinghouse, land 40 metres south east of Holmwood, Golf Course Road, Blairgowrie be upheld and planning permission granted, subject to the imposition of appropriate conditions including the use of natural slate as the roofing material and subject to a possible legal agreement for payment of an education contribution.

Note: Councillor Campbell dissented from the majority view. He considered that, in terms of Perth and Kinross Local Development Plan 2014, Policies RD1 and PM1A, the proposal fails to relate to the character of the area, and in terms of the Perth and Kinross Placemaking Guide, the proposal does not contribute to the quality of the environment and would create a precedent for further backland development in the immediate locality.

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(viii) TCP/11/16(363)
Planning Application 15/00502/FLL – Demolition of 2 existing dwellings and the erection of a replacement dwelling, former Binn Farm Cottages, Kinfauns – Mrs and Mrs K Knox.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for demolition of 2 existing dwellings and the erection of a replacement dwelling, former Binn Farm Cottages, Kinfauns.

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:

- (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; and
- (ii) the Review Application for the demolition of 2 existing dwellings and the erection of a replacement dwelling, former Binn Farm Cottages, Kinfauns be upheld and planning permission granted, subject to the imposition of appropriate conditions including suspensive conditions requiring the completion of a bat survey to determine the status of the site as a maternity roost and associated mitigation measures.

440. DEFERRED APPLICATION FOR REVIEW

(i) TCP/11/16(339)
Planning Application 14/01482/FLL – Erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell, KY13 9JE – Mr J Beales.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell, KY13 9JE.

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.

It was noted that, at its meeting on 15 March 2015, 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;

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- (ii) the Transport Planning Officer be requested to provide further information to the Local Review Body with regard to:
 - The visibility possible at the junction (how much of the 2.4m by 43m specified can be provided?)
 - The width of the road (could it accommodate a fire engine?)
 - The proximity of the access track to the existing dwellinghouse (and clarification of the minimum distance required).
- (iii) the agent, interested parties and the Development Quality Manager be invited to comment on the further information received from the Transport Planning Officer;
- (iv) following receipt of all further information and responses 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 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 the erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell be upheld and planning permission granted, subject to the imposition of appropriate conditions.

Note: Councillor Cuthbert dissented from the majority view. He considered that the proposed development did not respect the existing building line and had not been convinced that concerns regarding road access and visibility could be adequately addressed. Councillor Cuthbert therefore considered the application should be refused for the reasons outlined by the Appointed Officer.

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