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 28 June 2016 at 10.30am.

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

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

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

. DECLARATIONS OF INTEREST

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

. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Local Review Body of 24 May 2016 (Arts. 386-389) was submitted and noted.

Councillor M Lyle, Convener, Presiding.

. APPLICATIONS FOR REVIEW

(i) TCP/11/16(405) – 16/00001/FLL – Erection of dwellinghouse and detached garage on land 40 metres north west of Burnside House, Benarty Road, Kelty – Mr J Green

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse and detached garage on land 40 metres north west of Burnside House, Benarty Road, Kelty.

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 dwellinghouse and detached garage on land 40 metres north west of Burnside House, Benarty Road, Kelty be upheld and planning permission

granted, subject to the imposition of appropriate conditions relating to the following requirements:

(a) a coal mining risk assessment to be obtained prior to commencement of any development and submitted to the planning authority for approval;
(b) access and parking requirements to be provided and submitted to the Council as the Roads Authority for approval prior to the occupation of any dwellinghouse;
(c) compliance with the Council's standard Contaminated Land condition;
(d) landscaping regarding the containment of the site by trees
(e) flood mitigation regarding finished floor levels and
(f) foul and surface water drainage;

(iii) That an informative be added to the issue of the consent to follow on from this decision in relation to:
(a) water supply; and
(b) payment of any developer contributions in terms of condition (iv) below.
(c) consent under section 56 of the Roads (Scotland) Act 1984 is required.

(iv) prior to the issuing of the planning permission, a Legal Agreement in terms of section 75 of the Town & Country Planning (Scotland) Act 1997 be entered into between the Council as planning authority, the site owner(s) and any other parties with an interest in the site, in order to secure the developers contribution of £6,395 in respect of Primary Education Provision payable to Perth and Kinross Council in terms of the Council's Developer Contribution Policy.

Justification
The proposal is in accordance with Policy RD3 of the Perth & Kinross Local Development Plan 2014 in that the landscape framework is considered to be sufficiently robust to accommodate one additional dwellinghouse as an extension to the existing Building Group on the south side of Benarty Road at this location.

(ii) TCP/11/16(406) - Planning Application – 15/00577/IPL – Residential development (in principle) on land 40 metres north west of Burnside House, Benarty Road, Kelty – Mr J Thomson

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 40 metres north west of Burnside House, Benarty Road, Kelty.

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, 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 40 metres north west of Burnside House, Benarty Road, Kelty be refused for the following reasons:

1. By virtue of the site's lack of a suitable landscape containment, the proposal does not comply with the requirements of Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the supplementary Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting. As the proposal contains plots of a different and smaller size to some of those nearby, the site is also contrary to Policy PM1A of Perth and Kinross Council's Local Development Plan 2014, which seeks to ensure that all new developments must contribute positively to the quality of the surrounding built and natural environment, as the proposal takes the form of ribbon development.
2. As the proposal contains plots of a different and smaller size to some of those nearby, the site would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy PM1A of Perth and Kinross Local Development Plan 2014, which seeks to ensure that all new developments must contribute positively to the quality of the surrounding built and natural environment.
3. As the proposal would constitute ribbon development when viewed with the existing building group, the proposal is contrary to Policy RD3 of Perth and Kinross Local Development Plan 2014 and the supplementary Housing in the Countryside Guide 2012, both of which seek to prevent ribbon development in respect of existing building groups.

(iii) TCP/11/16(407) – Planning Application – 16/00309/FLL – Erection of 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF – Mr J Reid

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF.

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 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF be refused for the following reasons:

1. As the proposal does not meet the criteria to constitute an infill site due to its size, and as such would constitute ribbon development, it is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the supplementary Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location.
2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, notably by extending housing to the east into the countryside by some 115 metres in the form of ribbon development, due to the lack of an identifiable building that would form part of the requirement for infill development.
3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the removal of the woodland and the siting of dwellings would erode and diminish the area's landscape character.
4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.
5. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland. The land involved constitutes the site of ancient semi-natural woodland of long established plantation origin. It is anticipated that proposal would increase pressure for

the further removal of trees by future residents for the benefit of their amenity, outlook and/or safety.

6. The proposal does not provide a satisfactory residential environment due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.
7. The proposal does not provide a satisfactory residential environment due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from odour, and as such this a material consideration which supports refusal of this application.
8. The proposal is contrary to Policy PM1A and PM1B of the Perth and Kinross Local Development Plan 2014 as the design of the dwellinghouses does not respect the wider landscape and rural character of the area. Furthermore, the design of the proposed dwellinghouses does not accord with Perth and Kinross Council's Guidance on the Siting and Design of Houses in Rural Areas, notably in terms of its urban/suburban form and use of contrasting wall materials.

Justification
The proposal is not in accordance with the Perth & Kinross Local Development Plan 2014 and the associated supplementary Planning Guidance concerning the erection of houses within the countryside and there are no material planning considerations which would justify departing from the aforesaid Local Development Plan.

(iv) TCP/11/16(410) – Planning Application – 16/00361/IPL – Residential development (in principle) on land 100 metres south east of Draoidheil, Madderty – Mr and Mrs Short

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 100 metres south east of Draoidheil, Madderty.

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, 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 100 metres south east of Draoidheil, Madderty be refused for the following reason:

1. The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the supplementary Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location. In particular, the proposal does not constitute an infill site, as there are no other buildings immediately associated with this site other than the applicant's property.