

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
30 SEPTEMBER 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 30 September 2014 at 10.30am.

Present: Councillors M Lyle, H Anderson and J Giacopazzi.

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

Also Attending: C Brien (The Environment Service); A Heath (Chief Executive's Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### **624. DECLARATIONS OF INTEREST**

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

### **625. MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 26 August 2014 was submitted and noted.

### **626. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(313)**  
**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie – Mr A McHardy**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;

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- (ii) the Development Quality Manager be requested to provide further information to the Local Review Body assessing the application against the criteria of H13 of the Perth and Kinross Council Local Development Plan 2014;
- (iii) the agent/applicant and interested parties be invited to comment on the further information received from the Development Quality Manager;
- (iv) following receipt of all further information and responses, the application be brought back to a future meeting of the Local Review Body.

**(ii) TCP/11/16(314)**  
**Planning Application 14/00596/FLL - Erection of dwellinghouse, formation of vehicular access and erection of garage, 5 Marshall Way, Luncarty, Perth, PH1 3UX – Mr B Ramsay**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse, formation of vehicular access and erection of garage, 5 Marshall Way, Luncarty, Perth, PH1 3UX.

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 the erection of dwellinghouse, formation of vehicular access and erection of garage, 5 Marshall Way, Luncarty, Perth, PH1 3UX be refused for the following reasons:
  - 1. As the proposal (the new dwelling), by virtue of its location on the plot and proximity, may have an adverse impact on the root system of an existing mature tree which contributes positively to the visual amenity of the area, the proposal would have a detrimental impact on the visual amenity of the area, the proposal is contrary to Policies PM1A and Policy RD1c) of the Perth and Kinross Council Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity of existing areas.
  - 2. As the proposal (the new dwelling), by virtue of being a manufactured and 'squeezed in' site (notably in terms of size, shape and the forward relationship with the existing house), would result in a development that would have an

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adverse impact on both the visual amenity and general character of the local area, the proposal is contrary to Policies PM1A and RD1c) of the Perth and Kinross Council Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

**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(315)  
Planning Application 14/00852/FLL – Extension to dwellinghouse  
7 Gallowhill Road Kinross KY13 8RA – Mr and Mrs F Munro**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for extension to dwellinghouse at 7 Gallowhill Road, Kinross, KY13 8RA.

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 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 extension to dwellinghouse at 7 Gallowhill Road, Kinross, KY13 8RA be refused, for the following reasons, namely:

1. The proposed extension, by virtue of its unsympathetic scale, bulk and visual massing would have a significant adverse impact on the visual amenity of the existing dwelling and surrounding area. Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Council Local Development Plan 2014, which seek to ensure that development respects the character and amenity of the place.
2. Approval would distort the shape, scale proportions and roof pitch of the existing building, overwhelming the existing dwelling and compromising the architectural integrity of the original built form, which would be contrary to the aims and objectives of Perth and Kinross Council's Placemaking Guide.

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**Justification**

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

**Note:** Councillor Anderson dissented from the majority view. He considered the proposal did not conflict with Policies RD1, PM1A and PM1B of the Perth and Kinross Council Local Development Plan 2014 nor Perth and Kinross Council's Placemaking Guide in that it would not have a significant adverse impact on the visual amenity of the existing dwelling and surrounding area.

**(iv) TCP/11/16(316)**

**Planning Application 14/00445/FLL – Alterations and extension to dwellinghouse to form ancillary accommodation and installation of solar panels, Earnbank House, Kinkell, Strathallan, Auchterarder, PH2 1LD – Mr P Medley**

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 to form ancillary accommodation and installation of solar panels, Earnbank House, Kinkell, Strathallan, Auchterarder, PH2 1LD.

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, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for alterations and extension to dwellinghouse to form ancillary accommodation and installation of solar panels, Earnbank House, Kinkell, Strathallan, Auchterarder, PH2 1LD be refused, for the following reasons, namely:
  - 1. The proposal is contrary to Policy HE2: Listed Buildings, as the siting, design, scale and mass of the proposed extension adversely affects the building's special interest, appearance and setting.
  - 2. The proposal does not accord with the requirements of Scottish Planning Policy 2014 (Paragraph 141) for listed buildings to be protected from works that would adversely affect them or their setting. The scale and mass of the proposals will be over dominant and compete directly with the existing Victorian extension and impacting on the

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listed building as a whole. New extensions should be subordinate to the host building.

3. The proposal does not accord with the Scottish Historic Environment Policy (SHEP) 2011 and Historic Scotland's supplementary guidance Managing Change in the Historic Environment: Extensions (Oct 2010), where it makes it clear that an addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale or materials. An extension should be modestly scaled and skillfully sited. The proposed extension to the rear complete with box dormer infill does not play a subordinate role and instead dominates and obscures the rear elevation and due to its siting and proximity, competes with the existing well-proportioned late 19th century extension which is itself correctly subordinate to the original build.
4. The proposal does not accord with the Scottish Historic Environment Policy (SHEP) 2011 and Historic Scotland's supplementary guidance Managing Change in the Historic Environment: External Walls (Oct 2010), where in para. 4.5 it states the formation of a new opening in a wall needs to be considered in light of the overall composition of the wall and assessed as to whether or not it would be consistent with the existing design. The cumulative effect of new openings should not harm the special interest of the building. Where the formation of a new opening is found to be consistent with the design of the wall, the minimum historic fabric should be removed and the opening should be detailed to match the existing openings. The proposed slappings are accumulatively harmful to the special character of the building and not to a scale or detail which match existing openings.
5. The proposal is contrary to Policy PM1A: Placemaking, as the overall scale of the proposal does not contribute positively to the quality of the surrounding built environment.
6. The proposal is contrary to Policy PM1B: Placemaking (b) and (c) as the height, scale and mass of the whole proposal does not complement its surroundings or integrate sensitively with the existing building.

**Justification**

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

*FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY  
RECONVENED.*

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**(v) TCP/11/16(317)**  
**Planning Application 14/00889/FLL – Alterations and extension to dwellinghouse, 118 Crieff Road, Perth, PH1 2NX – Mr K Gourlay**

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, 118 Crieff Road, Perth, PH1 2NX. 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, 118 Crieff Road, Perth, PH1 2NX be upheld and planning permission granted, subject to the imposition of appropriate conditions, including the selection of appropriate materials and render.

**Justification**

The proposal is in accordance with the Development Plan.

**Note:** Councillor Lyle dissented from the majority view. He considered that the proposal is contrary to Policies RD1, PM1A and PM1B of the Perth and Kinross Council Local Development Plan 2014 and to Perth and Kinross Council's Placemaking Guide, in terms of its appearance, height, scale, massing, materials, finishes and colours.

**(vi) TCP/11/16(318)**  
**Planning Application 14/00823/FLL – Alterations and extension to dwellinghouse, 9 Stormont Way, Scone, PH2 6SP – Mr and Mrs R Cassani**

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, 9 Stormont Way, Scone, PH2 6SP.

The Planning Adviser displayed photographs of the site, 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.

**Decision:**

Resolved by unanimous decision that:

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- (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 Appointed Officer's decision be overturned, and the application for alterations and extension to dwellinghouse, 9 Stormont Way, Scone, PH2 6SP be upheld in part, i.e. The proposed extension was granted planning permission subject to the imposition of appropriate conditions but the decking area was not approved.

**(vii) TCP/11/16(312)**

**Planning Application 14/00079/FLL – Installation of a flue forming part of a biomass heating system, Tayside Hotel, 51-53 Mill Street, Stanley, Perth, PH1 4NL – Mr W Twaddle**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of a flue forming part of a biomass heating system, Tayside Hotel, 51-53 Mill Street, Stanley, Perth, PH1 4NL.

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal and the grounds of the 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 installation of a flue forming part of a biomass heating system, Tayside Hotel, 51-53 Mill Street, Stanley, Perth, PH1 4NL be refused for the following reason:
  - 1. The installation and operational use of the flue as part of the biomass system is assessed as being expected to have a significant detrimental impact on nearby/neighbouring residential properties with regards to smoke/odour nuisance and is therefore contrary to Policies RD1(c) and ER1A a) of Perth and Kinross Council Local Development Plan 2014; where the retention and/or improvement of residential amenity is a key planning objective. In particular, the proposed mitigation and management measures are not assessed as being likely to be effective in overcoming the known issue of downwash of smoke and odour relating to the neighbouring buildings in variable weather conditions.

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**Justification**

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

**627. DEFERRED APPLICATIONS FOR REVIEW**

**Deferred for Accompanied Site Visit**

**(i) TCP/11/16(307)**

**Planning Application 13/02258/FLL – Erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncricvie, Glenfarg – Mr J Forbes**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncricvie, Glenfarg.

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 29 July 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) the agent/applicant be requested to provide written confirmation that the application site is part of the agricultural holding;
- (iii) Environment Services be requested to provide the two letters referred to in the objector's letter on page 167 of the papers dated 15 January 2014;
- (iv) an accompanied site visit be carried out; and
- (v) following receipt of the further information and 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 and their own assessment from their accompanied site visit on 29 September 2014, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncricvie, Glenfarg be refused for the following reason:



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1. Approval would be contrary to Policy EP8: Noise Pollution of the Perth and Kinross Council Local Development Plan 2014; where there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of proposed noise sensitive land uses; in this case, the approved housing development immediately to the east.
2. Approval would be contrary to PM1A – Placemaking of the Perth and Kinross Council Local Development Plan 2014 in that the development does not respect the amenity of the place due to the anticipated impact of odours emanating from the cattle court on the adjoining approved housing development to the east.

**Justification**

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

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