

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

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 9 January 2018 at 10.30am.

Present: Councillors W Wilson, H Anderson and R McCall.

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

Also Attending: Councillor L Simpson; C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

1. DECLARATIONS OF INTEREST

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

2. MINUTE

The minute of meeting of the Local Review Body of 5 December 2017 was submitted and noted.

3. APPLICATIONS FOR REVIEW

- (i) TCP/11/16(497) - Planning Application – 17/00471/FLL – Change of use from 4 holiday accommodation units (numbers 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamout Park, Coupar Angus Road, Blairgowrie – Target Properties Ltd.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from 4 holiday accommodation units (number 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamout Park, Coupar Angus Road, Blairgowrie.

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.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a change of use from 4 holiday accommodation units (number 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamout Park, Coupar Angus Road, Blairgowrie, be refused for the following reasons:
 - 1. Notwithstanding the proposed, and envisaged, amendments to the 'as built' layout, window openings and screening measures, the proposed development would still result in an environment which is not suitable for mainstream residential use and which would offer a low level of residential amenity and privacy for future occupiers of the dwellings as permanent living accommodation. Such revisions do not overcome the underlying limitations of the layout regarding the proximity of the sided elevations which also provide the main entrances and parking areas. To this end, the proposed use of the lodges as mainstream dwellings remains contrary to the aims and purposes of Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 which both seek to protect and secure a satisfactory standard of residential amenity.

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(499) - Planning Application – 17/02152/FLL – Erection of a dwellinghouse, Nether Blelock Farm, Bankfoot – Mr and Mrs Chalmers

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, Nether Blelock Farm, Bankfoot.

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.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse, Nether Blelock Farm, Bankfoot, be granted subject to:

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

1. the securing of transport infrastructure contributions in advance of the decision notice being issued.
2. The imposition of relevant conditions and informatives including confirmation that planning permission is for one dwellinghouse only - the 'granny flat' being ancillary to the occupation of the house for friends and family and not used as independent or separate letting accommodation, a condition on the restriction of occupancy as required for a key worker associated with the management of the associated farmland or to convert to an agreed tenure of affordable housing when the employment use is no longer required, and an informative regarding the pipeline in the vicinity of the application site.

Justification

The proposed erection of a dwellinghouses was assessed as necessary to support the agricultural operations of the site and related farmland, and in that context, with the imposition of relevant conditions and informatives, was not assessed as being contrary to the Local Development Plan.

(iii) TCP/11/16(501) – Planning application - 17/01337/FLL – Erection of a stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND – Dollar Equestrian

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND.

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) the Development Quality Manager to comment on the Acoustic Consultant's e mail, the Manure Plan and revised Landscape Plan submitted in the Notice of Review, and subsequently allow for further comment on the Development Quality Manager's comments;
- (iii) following the receipt of further comment, an unaccompanied site visit be carried out the application be brought back to the Local Review Body.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

- (iv) following the unaccompanied site visit being carried out, the application be brought back to the Local Review Body.

THERE FOLLOWED A TEN MINUTE RECESS

(iv) TCP/11/16(502) – Planning application - 17/01333/FLL – Installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ – Mr N Donovan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ.

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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ, be refused for the following reasons:
 1. The window specification detail, by virtue of the broad width of the sub-frame and window, uPVC framing, fixed top pane, tilt-opening lower pane and lack of credible profile cross section, would have an adverse impact on the visual amenity in a prominent and sensitive townscape location. Approval would therefore be contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.
 2. The window specification detail, by virtue of the broad width of the sub-frame and window, uPVC framing, fixed top pane, tilt-opening pane and lack of credible profile cross section, would have an adverse impact on the character and appearance of the Kinross Conservation Area and the setting of the adjacent civic core Listed Buildings. Approval would therefore be contrary to the Kinross Conservation Area Appraisal 2010, Scottish Planning Policy 2014 and Policies HE2 and HE3a of the Perth and Kinross Local Development Plan 2014, which

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

seek to safeguard the historic built environment by ensuring that new development preserves or enhances the character and appearance of the Kinross Conservation Area and that it is sympathetic to the setting of Listed Buildings.

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(504) – Planning application - 17/01268/FLL – Formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW – Miss K Griffin

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW.

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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW, be refused for the following reasons:
 - 1. The proposal would create an unsatisfactory vehicular access onto a public road which would i) interfere with the safe operation of a pedestrian crossing, ii) jeopardise road and pedestrian safety and iii) obstruct the free movement of pedestrians and other road users. In this context, the acute angle of the proposed access would result in vehicles entering the dual carriageway in a direction contrary to oncoming traffic in both daylight and hours of darkness. Additionally, the proposal does not include any facility to enable vehicles to turn within the site. To this end, the proposal is contrary to the overarching principles of Policy PM1B, criteria (e), of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new proposals create safe, accessible, inclusive places for all people.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

Justification

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

4. DEFERRED APPLICATION FOR REVIEW

(i) TCP/11/16(490) - Planning Application – 17/00875/FLL – Erection of a dwellinghouse on land 40 metres south west of Glencoe, Baird Terrace, Crieff – Mr & Mrs G McOmish

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 40 metres south west of Glencoe, Baird Terrace, Crieff.

It was noted that, at its meeting of 7 November 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without comment from the Interim Development Quality Manager on the Ecological Survey, submitted as part of the Notice of Review. The comments having been supplied, 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 7 November 2017, sufficient information was before the Local Review Body to determine the matter without further procedure; Thereafter, resolved by unanimous decision that:
- (ii) the Review application for the erection of a dwellinghouse on land 40 metres south west of Glencoe, Baird Terrace, Crieff, be refused for the following reasons:

1. The proposed development is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, as the proposals will involve backland development to the rear of Baird Terrace which would have a significant impact on both neighbouring residential amenity of Numbers 8 and 10 and the character of the landscape. Its approval would also establish an unwelcome precedent for further similar developments which would have a serious detrimental impact on the amenity and character of the area.
2. The proposal is contrary to Policy PM1A, PM1B (b) and PM1B (d) of the Perth and Kinross Local Development Plan 2014, as the proposed development would fail to contribute positively to the quality of the surrounding built and natural environment and would involve backland

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
9 JANUARY 2018

development which fails to respect the prevailing established building line of Baird Terrace and would not be compatible with the residential amenity and character of the surrounding area.

3. The proposal is contrary to Policy NE3 of the Perth and Kinross Local Development Plan 2014 as the felling of trees on the site is considered to potentially impact on the habitat of protected species including birds, bats and red squirrels, all of which have been identified as being present in the immediate 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.

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