

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 15 January 2013 at 10.00am.

Present: Councillors M Lyle, I Campbell and H Anderson.

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

Also Attending: N Brian (the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

11. DECLARATIONS OF INTEREST

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

12. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 11 December 2012 was submitted and noted.

13. APPLICATIONS FOR REVIEW

**(i) TCP/11/16(217)
Planning Application 12/00555/FLL – Erection of a fence at
Bloomfield, Newburgh, Cupar, KY14 6EY – Mr and Mrs Nisbet**

Colin Elliott, Legal Adviser explained that the Report of Handling had been reissued to members as the copy originally issued to members was incomplete.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a fence at Bloomfield, Newburgh, Cupar, KY14 6EY.

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;

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- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a fence at Bloomfield, Newburgh, Cupar, KY14 6EY be refused, for the reasons previously applied by the Appointed Officer, namely:
1. The proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 *Incorporating Alterations No 1* Housing Land 2000 as developments will also be judged against the following criteria:
 - The site should have a good landscape framework within which the development can be set and, if necessary, screened completely
 - In the case of built development the scale, form, colour and design of development should accord with the existing pattern of buildingthe proposed fence by reason of its design would be a dominant, overbearing feature on the landscape.
 2. The proposal is contrary to Policy CF2 of the Proposed Local Development Plan as the development proposal would have an adverse impact upon the route as a Right of Way and as a Core Path as the route would be narrowed significantly and would adversely affect a wide range of users.

(ii) TCP/11/16(218)
Planning Application 12/01390/FLL - Alterations and extension to dwellinghouse at 52 South Inch Park, Perth, PH2 8BU – Mr J Calder

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 at 52 South Inch Park, Perth, PH2 8BU.

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:

Agreed by unanimous decision that, 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.

Resolved by majority decision that:

the Appointed Officer's decision be upheld, and the application for alterations and extension to dwellinghouse at 52 South Inch Park, Perth, PH2 8BU be refused, for the following reasons, namely:

1. As a consequence of the height and proximity of the 2 storey extension to the neighbouring property the proposal will still overshadow the neighbouring garden and pose sunlight problems to their windows to the detriment of their residential amenity and is therefore contrary to Policy 41 of the Perth Area

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Local Plan 1995 Incorporating Alteration No. 1 Housing Land 2000 which seeks to retain and where possible improve existing residential amenity.

2. The proposed two storey extension is substantial and would dominate the host building to the detriment of residential amenity contrary to Policy 41 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000).

Note: Councillor M Lyle dissented from the majority view. He agreed with Appointed Officer's Reason for Refusal No 1 only.

(iii) TCP/11/16(219)
Planning Application 12/00647/FLL – Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres south-east of Garth Castle, Keltneyburn – Mrs M Young

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, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres south-east of Garth Castle, Keltneyburn.

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;
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres south-east of Garth Castle, Keltneyburn be refused, for the reasons previously applied by the Appointed Officer, namely:
 3. The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.
 4. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute

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development within a building group, nor the extension of a building group onto a definable site, it is not an infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land.

5. The proposal is contrary to Highland Area Local Plan 2000 Policy 5: Design and the Council's Guidance on the Siting and Design of Houses in Rural Areas in that the design does not reflect traditional architecture and therefore the development is not in keeping with and does not fit its surroundings.
6. The proposal is contrary to Highland Area Local Plan Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing and if necessary screening the development to have regard to the scale, form, colour and density of existing development within the locality to ensure development should not result in a significant loss of amenity to the local community, that the site should be large enough to accommodate the development satisfactorily in planning terms and that built development should be located in settlements identified in the Local Plan. The proposal does not have an appropriate landscape framework. It does not have regard to the built development and character of the area. The site is not large enough to accommodate the development satisfactorily in site planning terms. The development would therefore have a detrimental effect on the amenity of the area.

**(iv) TCP/11/16(221)
Planning Application 12/01323/IPL – Erection of dwellinghouse on site north of Flowerdale Cottage, Rhynd – Ms E Cameron**

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 a site to the north of Flowerdale Cottage, Rhynd.

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:

Agreed by unanimous decision that, 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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Resolved by majority decision that:
the Appointed Officer's decision be overturned, and the application for the erection of dwellinghouse on site north of Flowerdale Cottage, Rhynd, be approved, on the basis that there will not be a significant detrimental impact on the Area of Great Landscape Value (AGLV), subject to the imposition of appropriate conditions, including in particular, a condition relating to an education contribution.

Justification

The proposal is contrary to the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000), Policy 12 in that there is a presumption against built development within the AGLV and this proposal is not for operational need, however, there are material considerations to allow the application. The proposal will not have a significant detrimental impact upon the AGLV and broadly complies with the Council's Housing in the Countryside Policy (2009) regarding infill development.

Note: Councillor H Anderson dissented from the majority view. He considered that the proposal is contrary to Policy 12 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) which states that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (v) **TCP/11/16(220)**
Planning Application 12/00667/IPL – Erection of a dwellinghouse (in principle) on land 250 metres south west of 3 Old School, Church Road, Kinfauns – Mr T Barratt

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 250 metres south west of 3 Old School, Church Road, 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:

Agreed by unanimous decision that, 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.

Resolved by majority decision that:
the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse (in principle) on land 250 metres south west of 3 Old School, Church Road, Kinfauns, be refused, for the following reasons, namely:

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1. As the proposal does not have an established landscape framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), which seeks to ensure that all sites are large enough to accommodate the development proposed.
2. As the proposal relates to an isolated site, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
3. As the proposal relates to an isolated site and there is insufficient justification to support the proposal as an exceptional stand alone dwelling, the proposal is contrary to the Council's policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.
4. The proposal is contrary to the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000), Policy 12 in that there is a presumption against built development within the AGLV and there is no operational need.

Note: Councillor H Anderson dissented from the majority view. He considered that the proposal is not contrary to Policy 1 (General Development) of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) in that the landscape was capable of absorbing, and if necessary, screening the development and where appropriate opportunities for landscape enhancement should be sought. The proposal is in accordance with Policy 32 of the Perth Area Local Plan (Incorporating Alteration No 1, Housing Land 2000) and the Council's Housing in the Countryside Policy 2009 in that the categories for housing in the countryside are met.

14. DEFERRED APPLICATIONS FOR REVIEW

Deferred for Further Written Submissions

- (i) **TCP/11/16(194)
Planning Application 12/00117/FLL – Erection of one pair of semi-detached dwellings on site east of 9 Friar Place, Scotlandwell – Mrs M Paterson**

Members considered a Notice of Review seeking a review of the Appointed Officer's decision to refuse permission for the erection of one pair of semi-detached dwellings on site east of 9 Friar Place, Scotlandwell.

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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. Photographs of the site in question were also available.

It was noted that, at its meeting on 7 August 2012, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager be requested to provide further information to the Local Review Body on:
 - (a) open space management and maintenance in relation to enforcement; and
 - (b) clarification of how the site is dealt with in the Proposed Local Development Plan and its relationship with Opportunity Site H54;
- (iii) the Development Quality Manager's information be forwarded to the applicant who would be given fourteen days in which to respond in accordance with the Local Review Body regulations;
- (iv) following receipt of the applicant's response, 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; the written submission from the Appointed Officer dated 18 December 2012; and the letter from the agent dated 19 December 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of one pair of semi-detached dwellings on site east of 9 Friar Place, Scotlandwell, be refused, for the reason previously applied by the Appointed Officer, namely:-
 - 1. The proposed development is contrary to Policies 88 and 91 of the Kinross Area Local Plan 2004 as the development of the site for housing would remove a designated area of open space within the conservation area which it is considered would be detrimental to the character and appearance of Scotlandwell.

Note: Councillors M Lyle and I Campbell requested that Perth and Kinross Council's Planning Enforcement Officer be asked to investigate the site.

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